

***United States Court of Appeals
for the Second Circuit***



APPENDIX

77-6060

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X
DAVID STEVENS, DAVID STEVENS and :
VIRGINIA STEVENS, on behalf of their :
minor children, :
Plaintiffs-Appellees, :
-against- :
STEPHEN BERGER, individually and as :
Commissioner of New York State :
Department of Social Services, :
Defendant-Appellant, :
-and- :
JAMES E. KIRBY, individually and as :
Commissioner of SUFFOLK COUNTY :
DEPARTMENT OF SOCIAL SERVICES; JOSEPH :
CALIFANO, as the Secretary of the :
DEPARTMENT OF HEALTH, EDUCATION AND :
WELFARE, :
Defendants. :
-----X



B P / s

On Appeal from the United States
District Court for the Southern
District of New York

JOINT APPENDIX

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PLAINTIFFS						DEFENDANTS		

STEVENS, DAVID

DAVID STEVENS, DAVID STEVENS and
VIRGINIA STEVENS, on behalf of
their minor children

BERGER, STEPHEN

STEPHEN BERGER, individually
and as Commissioner of New York
State Department of Social
Services, JAMES E. KIRBY,
individually and as Commissioner
of SUFFOLK COUNTY DEPARTMENT OF
SOCIAL SERVICES, F. DAVID MATTH
as the Secretary of the Departme
of Health, Education and Welfare

CAUSE

7 42 USC 1983 for deprivation of rights protected by the First
Amendment, (Freedom of Religion) the Federal Privacy Act of 1974

ATTORNEYS

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United States District Court

FOR THE
EASTERN DISTRICT OF NEW YORKCIVIL ACTION FILE NO. 76 C 1554DAVID STEVENS, DAVID STEVENS AND
VIRGINIA STEVENS, on behalf of their
minor children,

Plaintiffs

vs.

STEFAN BERGER, individually and as
Commissioner of New York State Department
of Social Services; JAMES E. KIRBY, indi-
vidually and as Commissioner of Suffolk
County Department of Social Services;
F. DAVID MATTHEWS, as the Secretary of the
Department of Health, Education and
Welfare,

Defendants

To the above-named Defendant

You are hereby summoned and required to serve upon

MC EVILY & KLUEWER

Community Legal Assistance Corporation
[22VT]

Plaintiff's attorney, whose address

75 Main Street
Hempstead, New York 11550

[22VT]

BA

answer to the complaint which is herewith served upon you, within 60 days after service of thissummons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

Clerk of Court.

Deputy Clerk.

Date:

12-27-76

[Seal of Court]

NOTE: This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

I declare under penalty of perjury that the foregoing is true and correct.

Subscribed and sworn to before me this

10

SEELER ON BEHALF OF MAIL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DAVID STEVENS, DAVID STEVENS and
VIRGINIA STEVENS, on behalf of their
minor children

Plaintiffs,

-against-

AMENDED
VERIFIED
COMPLAINT

76C 1554

STEPHEN BERGER, individually and as
Commissioner of New York State Department
of Social Services, JAMES E. KIRBY, indi-
vidually and as Commissioner of SUFFOLK
COUNTY DEPARTMENT OF SOCIAL SERVICES; F.
DAVID MATTHEWS, as the Secretary of the
DEPARTMENT OF HEALTH, EDUCATION AND
WELFARE,

Defendants.
-----X

Plaintiffs, by their attorneys, allege as follows:

I. PRELIMINARY STATEMENT.

1. This is an action seeking injunctive and declara-
tory relief. Plaintiffs assert four causes of action under
42 U.S.C. 1983 for deprivation of rights protected by the First
Amendment (Freedom of Religion), and by the First, Third,
Fourth, Fifth, Ninth and Fourteenth Amendments to the United
States Constitution (Right to Privacy). Furthermore plaintiffs
assert an additional cause of action under federal question
jurisdiction for violations of their federal rights to privacy
pursuant to Section 7 of the Privacy Act, P.L. 93-579.

II. JURISDICTIONAL STATEMENT

2. This Court has jurisdiction under 28 U.S.C. Section 1343(3) over the causes of action brought pursuant to 42 U.S.C. Section 1983.

III. PARTIES

3. Plaintiff, DAVID STEVENS, on behalf of his family, is a recipient of AFDC - U, a category of Federal, State and County Public Assistance. Plaintiff became a recipient of AFDC - U on or about December 20, 1976. Prior to that date plaintiff received assistance in the Home Relief category, an exclusively State and County funded assistance program. Plaintiffs are Messianic Jews and members of the Saint John's Lutheran Church. Plaintiffs daily observe the scriptures of the Old and New Testaments, and believe them to be the inspired Word of God.

4. Defendant, KIRBY is Commissioner of the Suffolk County Department of Social Services. In his official capacity, Defendant, Kirby is responsible for the local supervision and enforcement of the Suffolk County Social Services policies as well as the New York State laws and regulations that are challenged in this action.

5. Defendant BERGER is the Commissioner of the New York State Department of Social Services and is responsible for the promulgation of the Department regulations and for the lawful administration and enforcement of the laws of the State of New York. (New York Social Services Law Sections 17, 20).

6. Defendant F. DAVID MATTHEWS, is the Secretary of

the Department of Health, Education and Welfare and is responsible for the administration of the General Aid to Families With Dependent Children - Unemployed category of assistance.

IV. FACTS

7. VIRGINIA STEVENS made application for public assistance in 1968 and shortly thereafter was found to be eligible for AFDC assistance. Thereafter, the recipient for the household was changed to David Stevens and in 1974 he was made the recipient of the family's prior Home Relief grant and current ADC-U grant.

8. Under the New York State regulatory scheme for Home Relief, the head of a household is the recipient of Home Relief. Proof of David Stevens' identity has been provided to the Suffolk County Department of Social Services.

9. On or about January 22, 1976, plaintiff, David Stevens, received a letter from the Suffolk County Department of Social Services stating that the Suffolk County Department was required by New York State Social Service Regulations to show proof that every member of every public assistance case had a Social Security number or had filed an application to obtain one. A copy of said letter is attached and labelled Exhibit 1. The Suffolk County Department of Social Services, in said letter, demanded disclosure of the social security numbers of the plaintiff-minor children, aged 1 1/2, 3, 6, 9 years, respectively. Exhibit 1

10. The letter from Suffolk County Department of Social Services, dated January 21, 1976, states in pertinent part:

Failure to comply by the above date will result in the removal from the case of yourself and the persons lacking a social security number, and may result in the closing of your case. (emphasis added).

11. In response to this demand for disclosure, plaintiff and his wife wrote a letter to Suffolk County Department of Social Services, informing the agency that it would be impossible to comply with the demand; explaining that plaintiffs' religious belief in the scriptures precluded plaintiff from attaching numbers upon his minor children. (Exhibit 2)

12. Despite the fact that Mr. and Mrs. Stevens advised the Department of Social Services that their religious convictions forbid compliance with the Department's demand, on or about February 26, 1976 the Department of Social Services wrote to the petitioner and thanked him for his cooperation in sending the Social Security numbers needed for the Department's records, thereby implying that Mr. Stevens had attached Social Security numbers to his children. (Copy of said letter attached hereto as Exhibit 3).

13. The aforementioned letter dated February 25, 1976, stated in pertinent part:

"The new law requires us to have verified that the numbers are correct. We must have a photocopy of each social security card."
(emphasis added)

14. In response to the aforementioned letter dated February 25, 1976, appellant's counsel, by letter dated March 5, 1976 (attached hereto as Exhibit 4) advised the Department of

Social Services that the demand for disclosure contravened plaintiffs' right to the free exercise of religion, that Mr. and Mrs. Stevens had not given Social Security numbers to their children, did not plan to do so in the future, but were willing to assist the Department in developing some other way of identifying their family for record keeping purposes. The Department did not respond to this letter.

15. Plaintiff's refusal to furnish or apply for Social Security numbers for plaintiff children arises from his belief that there exists a biblical prohibition against doing so in Chapter 13 of Revelation.

16. Chapter 13 of Revelation, reads in pertinent part as follows:

16. And he causeth all, both small and great, rich and poor, free and bond to receive a mark in their right hand, or in their foreheads:

17. And that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name.

18. Here is wisdom. Let him that hath understanding count the numbers of the beast: for it is the number of a man; and his number is Six Hundred threescore and six. (Revelation, Chapter 13, Verse 16, 17, 18). (emphasis added)

17. On or about April 12, 1976, plaintiff received a Notice of Intent to Discontinue public assistance, for failure to comply with Title 19 and Title 20 of the Social Security Act requiring recipients of Social Services (regardless of age) to have social security numbers. (Exhibit 5). Plaintiff requested

a Fair Hearing which was thereafter held on May 5 and May 13, 1976, at the Suffolk County Department of Social Services.

18. A Fair Hearing determination was made by the New York State Department of Social Services on August 9, 1976, affirming the local agency's decision to terminate plaintiff's Home Relief benefits because of his failure to obtain social security numbers for his children. (Exhibit 5a)

19. On or about August 23, 1976, plaintiffs commenced an action in the District Court for the Eastern District of New York against STEPHEN BERGER (New York State Department of Social Services) and JAMES E. KIRBY (Suffolk County Department of Social Services). The trial resulting from said action was heard before the Hon. Jack B. Weinstein on the 9th day of December, 1976. Immediately before the commencement of trial, the defendants advised the plaintiffs and the Court that the plaintiffs must be transferred from the exclusively State and County funded category of Home Relief to the federally assisted category of Aid to Families With Dependent Children - Unemployed. This change was occasioned by P.L. 94-566, Section 507(d) which provides for federal assistance to states which provide aid to families based, inter alia, on the fact that either parent receives unemployment compensation.

V. THE APPLICABLE STATUTES,
REGULATIONS, AND DEPARTMENTAL
POLICIES.

20. P.L. 94-566, Section 507(d) provides for federal funds to be paid to states and counties which provide Aid to Families with Dependent Children whose parent or parents receive unemployment compensation benefits.

21. 42 U.S.C. 602(25) provides:

(a) That as a condition of eligibility under the plan, each applicant of aid shall furnish to the state agency his social security account number (or numbers, if he has more than one such number), and

(b) That such state agency shall utilize such account number, in addition to any other means of identification it may determine to employ in the administration of such plan;"

22. 18 NYCRR 351.2c requires, as a factor to be considered in determining eligibility for an applicant's receipt of public assistance; that the applicant furnish data including a social security number. For all members of the household that are not applying only the name and relationship to the applicant must be furnished.

23. 18 NYCRR 351.1(d) states that any investigation or reinvestigation of eligibility shall be conducted in a manner that will not result in practices that violate an applicant's or recipient's statutory or constitutional rights.

24. Social Service Law 134-a(2), prior to January 1, 1975, stated that an applicant, at the time application is made, shall present proof of his identity to the Social Services official.

25. New York Social Services Law Section 134-a(2) as amended and effective as of July 1, 1975, states in pertinent part:

At the time he applies for public assistance and care, an applicant shall, as a condition of receiving

aid, present proof of his identity to the Social Services official, as the department may by regulation require... (emphasis added).

26. Section 7 of the Privacy Act, P.L. 93-579, provides that it is unlawful for any Federal, State or local agency to deny to an individual any right, privilege or benefit it provided by law because of an individual's refusal to disclose his social security number.

27. P.L. 93-579, Section 7, requires any government agency that is requesting disclosure of an individual's social security number to inform the individual whether disclosure is mandatory or voluntary, by what statutory authority or other authority such number is solicited, and what uses will be made of the information.

28. P.L. 93-579, Section 7, permits a government agency to lawfully request disclosure of a social security number only if such disclosure is pursuant to a federal statute, or, if such agency maintained a system of records in existence and operating prior to January 1, 1975, provided that such disclosure was to verify the identity of an individual required under a statute or regulation adopted prior to January 1, 1975. Defendants KIRBY and BERGER initially demanded plaintiff-childrens' social security numbers while plaintiffs received Home Relief benefits.

29. Administrative letter, transmittal number 75 ADM. 102, dated September 23, 1975, was issued by defendant, BERGER, to defendant KIRBY. Exhibit 6.

30. The aforesaid Administrative Letter stated that a new system was to be instituted as of September 29, 1975, and August 1, 1975, as to Title XIX and Title IV-A categories assistance and entitled this new system Welfare Enumeration.

31. Said Administrative Letter, 75 Admin. 102, explicitly dictated that enumeration of Home Relief recipients was not a federal requirement as of September 23, 1975.

FIRST CAUSE OF ACTION+

32. Defendant KIRBY'S demand while plaintiffs were receiving Home Relief benefits for disclosure of plaintiff-children's social security numbers, pursuant to 75 Admin. 102, was not lawfully authorized by 18 NYCRR 351.2(c); Social Services Law 134-a, whereby defendants' demand made under the color of 18 NYCRR 351.2(c) and Social Services Law 134-a constitutes a deprivation of plaintiffs' First Amendment right to be free from state action that impedes and directly burdens plaintiffs in the observance of plaintiffs' religion. 42 U.S.C. 1983.

33. Defendant, at the time plaintiffs were receiving Home Relief benefits knowingly and intentionally violated plaintiffs' First Amendment right to freedom of religion in that defendant ignored plaintiffs' request that defendant consent to an alternative means of compliance with the agency's record keeping requirements.

34. Defendants' enforcement of the condition of eligibility was an unconstitutional burden on plaintiffs' First Amendment right to freely observe plaintiffs' religion.

35. Defendant BERGER'S determination depriving plaintiff of necessary financial support in September, 1976, and October, 1976, for his family based solely upon his sincere religious beliefs, unconstitutionally deprives plaintiff of his First Amendment right to the free exercise of religion and unlawfully penalizes the exercise of that right. 42 U.S.C. 1983.

SECOND CAUSE OF ACTION.

36. Defendant KIRBY'S demand made when plaintiffs were receiving Home Relief benefits for plaintiff-children to obtain social security numbers as a condition of continuing of plaintiff, DAVID STEVENS' eligibility for Home Relief, under color of 75 Admin. 102, 18 NYCRR 351.2(c), Social Services Law 134-a, causes immediate and continuous deprivation to plaintiff-children of plaintiff-children's rights to privacy; as secured and guaranteed to plaintiffs by the Federal Privacy Act of 1974, P.L. 93-579, Section 7.

37. Defendant KIRBY'S retroactive enforcement of New York State Social Services Law 134-a(2), as amended July 1, 1975, directly contravenes the congressionally recognized and protected right to privacy guaranteed to the plaintiff-children under Public Law 93-579, Section 7, to wit: that no local, state or federal agency shall deny to an individual any privilege, benefit, or right, provided by law because of an individual's refusal to disclose a social security account number unless such disclosure was required under statute or regulation adopted prior to January 1, 1975, and, a system of records was in existence and operating prior to January 1, 1975, for the purpose of verifying the identity of an individual.

38. The demand for disclosure of plaintiff-childrens' social security numbers by defendant KIRBY and BERGER violates P.L. 93-579, Section 7, 2(B) in that the system of record keeping, WEN, was not in existence and operative prior to January 1, 1975.

39. The manner of disclosure implemented by Defendant, KIRBY, violates the plaintiff-childrens' federally protected right to privacy, as secured by the Privacy Act, P.L. 93-579, Section 7, in that:

A) Defendant KIRBY unlawfully demanded disclosure of information that is not relevant and necessary to accomplish the New York statutory purpose of verification of a public assistance recipient's identity;

B) Defendant KIRBY'S written demand for disclosure of plaintiff-childrens' social security numbers failed to inform plaintiff STEVENS on the face of such demand, of the precise statutory authority that authorizes such demand;

C) Defendant KIRBY'S written demand failed to inform plaintiff DAVID STEVENS whether disclosure was mandatory or voluntary;

D) Defendant KIRBY'S written demand failed to inform plaintiff STEVENS of the principal uses of such information.

40. The determination made by defendant BERGER on August 9, 1976, unlawfully denies to plaintiffs the fundamental right to privacy that the Federal Privacy Act, P.L. 93-579, Section 7 secures to the plaintiff-children, and denied plaintiffs

necessary financial assistance during September and October, 1976. 42 U.S.C. 1983.

THIRD CAUSE OF ACTION.

41. Defendants' unlawful demand for disclosure of plaintiff-children's social security numbers constitutes immediate deprivation of plaintiff-childrens' right to privacy, as protected and secured by the First, Third, Fourth, Fifth, Ninth and Fourteenth Amendments to the Constitution, under the color of state law. 42 U.S.C. 1983.

FOURTH CAUSE OF ACTION.

42. Defendant MATTHEWS' demand for disclosure of plaintiff-childrens' social security numbers constitutes a violation of plaintiffs First Amendment right to freely exercise plaintiff's religious beliefs and directly and significantly burdens plaintiffs in the observance of plaintiff's religion. 42 U.S.C. 1983.

FIFTH CAUSE OF ACTION.

43. Plaintiffs repeat and reallege the factual allegations in Paragraphs 3 through 19 and allege that defendants' actions constitute a matter in controversy exceeding the sum of \$10,000 in that defendants' actions presently create and continue to create an unlawful invasion of the plaintiff-childrens' personal right to privacy that arises under the First, Third, Fourth, Fifth, Ninth and Fourteenth Amendments to the Constitution. 28 U.S.C. 1331.

SIXTH CAUSE OF ACTION.

44. Plaintiff repeats and reiterates the allegations

of paragraphs 36 through 40 inclusive, and plaintiff alleges a separate cause of action that arises under the Federal Privacy Act of 1974, Public Law 93-579, Section 7, whereby defendant's unlawful actions have resulted in the plaintiff-children sustaining direct and immediate injury to their personal rights to privacy that are protected by Federal Statute, in an amount exceeding \$10,000. 28 U.S.C. 1331.

SEVENTH CAUSE OF ACTION.

45. For a separate and pendent state claim arising under the Federal Privacy Act, P.L. 93-579, plaintiff repeats and realleges Paragraphs 3-19 and 36-40 whereby defendants KIRBY and BERGER'S unlawful course of conduct resulting in termination of plaintiff's public assistance unlawfully denied to plaintiffs the right, privilege or benefit of receiving Home Relief assistance, as provided by New York State Law because of plaintiffs' refusal to disclose the social security numbers or thereafter obtain social security numbers for the plaintiff-minor children. Public Law 93-579, Section 7.

WHEREFORE, plaintiff prays for the following relief:

1. A declaration that defendant's actions violate plaintiff's constitutionally protected rights to privacy and the free exercise of religion;
2. A declaration that 18 NYCRR 351.2(c), Administrative letter 75 ADM. 102 were unconstitutional as applied to plaintiffs;
3. A declaration that the defendant's actions unlawfully demanding disclosure of plaintiff-children's social

security numbers are violative of the Federal Privacy Act.;

4. That this Court preliminarily and permanently enjoin the defendants from:

a) terminating the plaintiff's Aid to Families With Dependent Children - Unemployment benefits bases on plaintiff's refusal to apply for or furnish social security numbers for the minor children;

b) requiring the plaintiffs to apply for or furnish to the Department of Social Services, social security numbers for the minor children;

c) the enforcement of the determination made by defendant BERGER on August 9, 1976.

5. That the defendants KIRBY and BERGER pay to plaintiffs all home relief benefits which plaintiffs should have received in the month of September and October, 1976, had not the defendants unlawfully terminated said benefits.

6. Such other and further relief as to this Court may seem just and proper.

Dated: December 23, 1976.

Charles McEvily

CHARLES MC EVILY
MC EVILY & KLUWER
Attorneys for Plaintiffs
Community Legal Assistance Corp.
73 Main St., Hempstead, NY 11550
(516) 489-4226/7

VERIFICATION

STATE OF NEW YORK)
COUNTY OF) ss.:

I, , having been duly sworn, hereby
state that I have read the foregoing complaint and the allega-
tions of fact pertaining to me are true of my own knowledge
and belief.

Virginia Stevens

Subscribed and sworn to before
me this 24th day of December, 1976.

JANET R. FARRELL
NOTARY PUBLIC, STATE OF NEW YORK
No. 52-4626314
Qualified in Suffolk County
Commission Expires March 22, 1978

Janet R. Farrell
NOTARY PUBLIC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

DAVID STEVENS, DAVID STEVENS and
VIRGINIA STEVENS, on behalf of
their minor children,

76 C 1554

Plaintiffs,

- against -

STEPHEN BERGER, individually and as
Commissioner of New York State De-
partment of Social Services, JAMES E.
KIRBY, individually and as Commissioner
of SUFFOLK COUNTY DEPARTMENT OF SOCIAL
SERVICES; JOSEPH CALIFANO, as the
Secretary of the DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,

Defendants.

-----x

Appearances:

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By: JOAN P. SCANNELL
Assistant Attorney General
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NEW YORK CITY OFFICE

Appearances (continued)

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By: LEONARD A. SCLAFANI

Assistant United States Attorney
Attorney for defendant Joseph Califano

WEINSTEIN, District Judge

Plaintiffs Virginia and David Stevens, acting for themselves and on behalf of their four minor children, seek a permanent injunction prohibiting the State of New York Department of Social Services, the Suffolk County Department of Social Services, and the United States Department of Health, Education and Welfare from withdrawing their welfare benefits. Insistence that the children obtain social security numbers as a condition of continued public assistance allegedly violates their right of free exercise of religion under the First Amendment of the United States Constitution and their right to privacy. While the social security number requirement is designed to reduce fraud by welfare recipients, in the particular circumstances of this case it does violate plaintiffs' rights.

I. Factual and Statutory Background

The Stevens family was receiving Home Relief aid from the state, supplementing their below-subsistence private income. New York Social Services Law §§ 157 et seq. In January 1976, they received notice from the Suffolk County Department of Social Services that they were to supply a

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photostatic copy of each child's social security card, as required by New York's Welfare Regulations. 18 N.Y.C.R.R. § 351.2(c).

The Stevenses replied that the children had no social security numbers and that, because of their religious convictions, the parents would not obtain such numbers for them. They explained that, in their view, the use of social security numbers was a device of the Antichrist, and that they feared the children, if numbered in this way, might be barred from entering Heaven. (The adult Stevenses had obtained social security numbers years earlier, before developing their current convictions, and those numbers had been duly supplied to the Department of Social Services.)

Hoping to find some compromise solution, the Stevenses sought to cooperate with the department to develop an alternative way to identify their children for the welfare system's record-keeping needs. The offer was rejected.

The Stevenses unsuccessfully challenged the decision to cease aid at a hearing before the county. In August, the Commissioner of the New York State Department of Social Services affirmed the county's decision, and payments to

the Stevenses under the Home Relief program were discontinued. The plaintiffs then instituted this action seeking injunctive and declaratory relief. A temporary injunction restored the plaintiffs to the relief rolls.

Before the trial, Mr. Stevens lost his job. The family, for this reason, was no longer entitled to Home Relief but was within the ambit of a federally-funded welfare program. Plaintiffs were permitted to file an amended complaint, naming the Department of Health, Education and Welfare as an additional defendant, since each member of a family receiving monies under national welfare programs must also supply a social security number as identification.

The Social Service Amendments of 1975 mandated that the numbers be provided to obtain assistance under Aid to Families with Dependent Children. P.L. 93-647. The applicable federal statute now reads:

(A) that, as a condition of eligibility under the plan, each applicant for or recipient of aid shall furnish to the State agency his social security account number (or numbers, if he has more than one such number), and (B) that such State agency shall utilize such account numbers, in addition to any other means of identification it may determine to employ in the administration of such plan. . . .

42 U.S.C. § 602(a)(25), P.L. 93-647, 88 Stat. 2337. It was approved on January 4, 1975, four days after a seemingly contradictory segment on the Federal Privacy Act, P.L. 93-579, was passed. . The Privacy Act provides that:

It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

P.L. 93-579, §7(a)(1), 88 Stat. 1896, reprinted in 5 U.S.C.A. §552a, note at 74 (Cum. Supp. 1976). There is no need to deal with this apparent conflict, however, since section 7 of the Privacy Act then goes on specifically to exempt from its provisions "any disclosure which is required by Federal Statute". P. L. 93-579, §7(a)(2)(A), 88 Stat. 1896, reprinted in 5 U.S.C.A. § 552a, note at 74 (Cum. Supp. 1976). Moreover, section 1211(b) of the Tax Reform Act of 1976, P.L. 94-455, 90 Stat. 1711, amending 42 U.S.C. § 405, explicitly provides that, notwithstanding prior law, social welfare agencies may require applicants for aid to supply their social security numbers as a prerequisite for qualifying for aid. The pertinent portion of section 1211 reads as follows:

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“(C) (i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers issued by the Secretary for the purpose of establishing the identification of individuals affected by such law, and may require any individ-

ual who is or appears to be so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if he has more than one such number) issued to him by the Secretary.

“(ii) If and to the extent that any provision of Federal law heretofore enacted is inconsistent with the policy set forth in clause (i) of this subparagraph, such provision shall, on and after the date of the enactment of this subparagraph, be null, void, and of no effect.

“(iii) For purposes of clause (i) of this subparagraph, an agency of a State (or political subdivision thereof) charged with the administration of any general public assistance, driver's license, or motor vehicle registration law which did not use the social security account number for identification under a law or regulation adopted before January 1, 1975, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in clause (i) above and for the purpose of responding to requests for information from an agency operating pursuant to the provisions of part A or D of title IV of the Social Security Act.

P.L. 94-455 § 1211(b) See also, H. Conf. Rep. No.

94-1515 at 490-91, 94th Cong., 2d Sess. (1976).

Because this case so clearly presents a dispositive First Amendment issue, there is no need to reach the question posed by plaintiffs of whether some constitutional right to privacy under the First, Third, Fourth, Fifth, Ninth and Fourteenth Amendments has been violated by the social security number requirement. We turn, therefore, to the issue of religious belief.

II. Requirement that Belief be Religious and Sincere

Not every belief put forward as "religious" is elevated to constitutional status. As a threshold requirement, there must be some reasonable possibility 1) that the conviction is sincerely held and 2) that it is based upon what can be characterized as theological, rather than secular -- e.g., purely social, political or moral. Wisconsin v. Yoder, 406 U.S. 205, 92 S.Ct. 1526, 32 L.Ed.2d 15 (1972) (Amish Mennonite Church members' religiously-grounded desire -- as contrasted to Thoreau-like rejection of current secular values -- to keep children out of high school outweighed state interest in compulsory attendance law); United States v. Seeger, 380 U.S. 163, 85 S.Ct. 850, 13 L.Ed.2d 733 (1965) (religious belief, as compared to personal moral code or political, sociological or economic considerations, outweighs government's need for compulsory military training); Teterud v. Burns, 522 F.2d 357 (8th Cir. 1975) (wearing of long, braided hair by Indian matter of religion, not esthetics); Theriault v. Carlson, 495 F.2d 390 (5th Cir. 1974), cert. denied, 419 U.S. 1003, 95 S.Ct. 323, 42 L.Ed.2d 279 (1974) (issue of whether Eclatarian movement is religious or political anti-authoritarianism); Founding Church of Scientology of Washington

v. United States, 409 F.2d 1146 (D.C.Cir.1969), cert. denied, 396 U.S. 963, 90 S.Ct. 434 (1969) (issue of whether Scientology and "auditing" are religious, or are false labeling of medical devices); United States v. Kahane, 396 F.Supp. 687 (E.D.N.Y.1975) (issue of whether special diet was religious need). See also, Greenawalt, Book Review (Konvitz, Religious Liberty and Conscience: A Constitutional Inquiry), 70 Colum.L.Rev. 1133, 1135-36 (1970); Note, Free Exercise of Religion in Prisons -- The Right to Observe Dietary Laws, 45 Ford.L.Rev. 92 (1976).

The court, in undertaking this difficult and sensitive factfinding task, recognizes stringent limitations on its right of inquiry. Under the United States Constitution, an individual's right to believe in anything he or she chooses is unquestioned. Religious beliefs are not required to be consistent, or logical, or acceptable to others. Governmental questioning of the truth or falsity of the beliefs themselves is proscribed by the First Amendment. Cantwell v. State of Connecticut, 310 U.S. 296, 303, 60 S.Ct. 900, 903, 84 L.Ed. 1213 (1940); United States v. Ballard, 322 U.S. 78, 86, 64 S.Ct. 882, 886, 88 L.Ed. 1148 (1944). A religious belief can appear to every other member of the human race proposterous, yet merit the protections of the Bill of Rights. Popularity,

as well as verity, are inappropriate criteria.

Freedom of thought, which includes freedom of religious belief, is basic in a society of free men. . . . It embraces the right to maintain theories of life and of death and of the hereafter which are rank heresy to followers of the orthodox faiths. Heresy trials are foreign to our Constitution. Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. Religious experiences which are as real as life to some may be incomprehensible to others. . . . The Fathers of the Constitution were not unaware of the varied and extreme views of religious sects, of the violence of disagreement among them, and of the lack of any one religious creed on which all men would agree. They fashioned a charter of government which envisaged the widest possible toleration of conflicting views. Man's relation to his God was made no concern of the state. He was granted the right to worship as he pleased and to answer to no man for the verity of his religious views.

✓ United States v. Ballard, 322 U.S. 78, 88-87, 64 S.Ct. 882, 886-87, 88 L.Ed. 1148 (1944).

When, however, an individual seeks to act on a belief, and that action poses a threat or inconvenience to other citizens, or to some important aspect of public law and policy, the requirements of an ordered society may demand that the courts make limited inquiry into bona fides.

(Cantwell v. Connecticut, 310 U.S. 296, 303-04, 60 S.Ct. 900,

903, 84 L.Ed. 1213 (1940); Founding Church of Scientology v. United States, 409 F.2d 1146, 1154-55 (D.C. Cir. 1969). The difficulty of the investigation is compounded where the relevant belief does not, on its face, fit into any generally recognizable religious framework. As one court recently observed:

In order to determine if First Amendment rights of free exercise of religion have been or are being infringed upon, the Court must initially determine whether or not a religion or religious beliefs are actually involved. The task is, of course, greatly simplified where an historically established and recognized religion such as Islam, Judaism or Catholicism is involved. But where, as in the instant case, a newly established allegedly legitimate religion is involved the Court is necessarily put to the difficult task of determining whether a religion or religious activity is in fact involved.

Theriault v. Silber, 391 F.Supp. 578, 580 (W.D. Tex. 1975).

Delicacy in probing and sensitivity to permissible diversity is required, lest established creeds and dogmas be given an advantage over new and changing modes of religious belief. Neither the trappings of robes, nor temples of stone, nor a fixed liturgy, nor an extensive literature or history is required to meet the test of beliefs cognizable under the Constitution as religious. So far as our law is concerned, one person's religious beliefs held for one day are

presumptively entitled to the same protection as the beliefs of millions which have been shared for thousands of years. Nevertheless, it is -- as a matter of evidence and probative force -- far easier to satisfy triers that beliefs are religious if they are widely-held and clothed with substantial historical antecedents and traditional concepts of a deity than it is where such factors are absent. Judges recognize intellectually the existence of new religious harmonies, but they respond more readily and feelingly to the tones the founding fathers recognized as spiritual. /

For example, in People v. Woody, 61 Cal.2d 716, 40 Cal. Rptr. 69, 394 P. 2d 813 (1964), the court decided that the use of the hallucinogen peyote by Indians in the ceremonies of the Native American Church was a valid expression of religious beliefs and not an unprivileged violation of the drug laws. But the court, in reaching this decision, relied in part upon evidence of a long history and a large membership. In United States v. Seeger, 380 U.S. 163, 85 S.Ct. 850, 13 L.Ed.2d 733 (1965), the court distinguished a new class of religious objectors who did not believe in a Supreme Being in a traditional sense from those whose objections to the draft were personal and moral in nature.

In doing so, however, the Court cited an extensive supporting

literature from the pens of those generally acknowledged to be leaders of traditional religious institutions.

Although support from tradition, history or authority is not required, without it a plaintiff may be unable to produce enough other evidence of religiosity to satisfy this preliminary burden. A prisoners' religious sect, calling itself the Church of the New Song of Universal Life, demanded a series of special privileges, including the right to hold services in secret. Three cases involving the sect were considered in Theriault v. Carlson, 495 F.2d 390 (5th Cir.1974), cert. denied, 419 U.S. 1003, 95 S.Ct.323, 42 L.Ed.2d 279 (1974). Two were remanded for full evidentiary hearings on the issue of whether the movement was political or genuinely religious. As an evidentiary matter, a district court in Texas concluded that the doctrine was:

a, relatively non-structured, free-form, do-as-you-please philosophy, the sole purpose of which is to cause or encourage disruption of established prison discipline for the sake of disruption. Disruption of and/or problems for prison authorities is not the result of this so-called religion; it is rather the underlying purpose of it.

Theriault v. Silber, 391 F.Supp. 578, 582 (W.D. Tex. 1975).

Consequently, no First Amendment issue had been raised. The

case before us is, on the evidence, far different from Theriault

A. Sincerity of Plaintiffs' Beliefs

As the Supreme Court declared in United States v. Seeger, 380 U.S. 163, 185, 85 S.Ct. 850, 863, 13 L.Ed.2d 733 (1965), the "significant question" is whether a belief is "truly held." "This is the threshold question of sincerity which must be resolved in every case." Id.

David and Virginia Stevens are members of the St. John's Lutheran Church in Massapequa, New York. They characterize their religion not as Lutheranism, but as "Messianic Judaism." They profess a belief in both the Old and the New Testaments, and view Christ not as the founder of a new faith but as the Messiah of the Jews. Among their religious traditions are the keeping of Shabbot as well as other Jewish holy days and festivals.

After observing plaintiffs during the trial, after hearing their testimony and that of their minister, Pastor Jack Hickman, and after considering all the other evidence, the court is left with no doubt of the sincerity of their belief regarding social security numbers. Plaintiffs do believe that, were their children to obtain these numbers, their spiritual well-being and chance to enter Heaven would be seriously jeopardized; since the children would not be able to shed

these numbers when they reach adulthood, a decision by the parents to comply would effectively foreclose the children from deciding the question anew for themselves in the future. The testimony of Pastor Hickman sums up the matter. "I believe their beliefs are sincere," he said, "and I don't believe they would have gone through all this if they were not."

B. Religious Foundations of Plaintiffs' Beliefs

Once the question of sincerity is resolved, the next question is whether the belief is rooted in what may loosely be characterized as theological conviction, or whether it is the expression of some political or social ideology. The evidence is overwhelming that the belief is one which would meet any reasonable test of what is "religious."

A trier of fact faced with a First Amendment claim must necessarily come to terms with this distinction. History is replete with examples of persons who gave up, not just public benefits, but family, country and even life itself for their dedication to such sectarian ideals as political freedom or social egalitarianism. What the Supreme Court had to say about the belief of the Amish that their children

should not attend public schools beyond the eighth grade is equally applicable to this case:

Although a determination of what is a "religious" belief or practice entitled to constitutional protection may present a most delicate question, the very concept of ordered liberty precludes allowing every person to make his own standards on matters of conduct in which society as a whole has important interests. Thus, if the Amish asserted their claims because of their subjective evaluation and rejection of the contemporary secular values accepted by the majority, much as Thoreau rejected the social values of his time and isolated himself at Walden Pond, their claims would not rest on a religious basis. Thoreau's choice was philosophical and personal rather than religious, and such belief does not rise to the demands of the Religion Clauses.

Wisconsin v. Yoder, 406 U.S. 205, 215-16, 92 S.Ct. 1526, 1533, 32 L.Ed.2d 15 (1972) (footnote omitted) (emphasis supplied).

Whether Thoreau's counsel might have convinced the Court that it was wrong to place that author's beliefs beyond the pale of constitutional religious protection, the Court's view that the Amish were safely within the boundaries was highly favorable to these plaintiffs.

It is clear from the evidence that plaintiffs' views have their roots, not in secular civil-libertarianism, but in religion. Others may have political objections to the

increasing use of social security numbers. See, e.g., American Civil Liberties Union Foundation, The Privacy Report Volume III, No. 1 (August 1975); Privacy Protection Study Commission, The Use of the Social Security Number in the Private Sector (Memorandum, October 22, 1975); S. Rep. No. 93-1183, in U.S. Code Cong. & Admin. News No. 14 at 8066 (January 30, 1975). But plaintiffs do not reach their conclusion by political reasoning; theirs is the world of the spirit, not the flesh. They express a fear that the social security number is fast becoming what they describe as a "universal number" and that, as such, it is an instrument of the Antichrist. Mrs. Stevens declared with obvious sincerity:

I believe that an Antichrist . . . will establish a system of numbers and will cause all people to have these numbers . . . [I]f they do not have them they will not be able to pay or sell or function . . . in society.

- Q. What is it about the Social Security number that makes it unique according to your belief. . . ?
- A. The fact that, unlike other numbers, you must use it to work, you must have it to cash checks which would then lead to buying things -- bank accounts. It is used for

identification and without it you would have a pretty hard time functioning in society. . . . I think that is a pretty good description of the numbers the Antichrist will use.

Q. Because of the power behind it, are you saying?

A. Yes, the power behind it; the power it holds over you . . . to control human life.

The primary source to which the plaintiffs point in support of their beliefs is biblical: the thirteenth chapter of the New Testament Book of Revelation. The American Lutheran Church, the denomination to which the Stevenses belong, apparently does not have a doctrinal interpretation of Chapter 13, or any doctrine generally concerning the Antichrist. Instead, testimony credited by the court indicated, individual members are encouraged to study the Bible and develop for themselves a personal understanding of its teachings. Constitution of the American Lutheran Church, reprinted in Handbook of the American Lutheran Church 45 (1975). Thus, it is not surprising to find that the Stevenses hold highly individualized beliefs as part of their general adherence to an orthodox religious tradition. To borrow a phrase from the Supreme Court in Wisconsin v. Yoder, the plaintiffs' belief is simply a "response to their literal interpretation of [a] Biblical injunction. . . ." 406 U.S. at 216, 92 S.Ct. at 1533.

The reference to a scriptural source for the belief, plus the testimony by plaintiffs and their pastor about the study and reflection that led to its birth might well by themselves lead the court to conclude that the Stevenses' aversion to the use of social security numbers has no secular component. There is additional evidence in this case, however, which supports the plaintiffs' position. No finding as to the historical accuracy and theological soundness of this plaintiffs' contentions are made since such judgments should be avoided by the courts. It also bears reiteration that "The validity of what he [or she] believes cannot be questioned." United States v. Seeger, 380 U.S. 163, 184, 85 S.Ct. 850, 863 (1965). "The religious views espoused by [plaintiffs] might seem incredible, if not preposterous, to most people. But . . . those doctrines are [not] subject to trial. . . ." United States v. Ballard, 322 U.S. 78, 87, 64 S.Ct. 882, 887 (1944). The evidence does support plaintiffs' contention that there is some arguable theological basis for their beliefs.

Both the trial testimony and the literature relied upon by plaintiffs indicated that, in western theology, a long and deepseated tradition exists of conflict between God and state -- more specifically, a belief that an omnipowerful

state will usurp the place of God on earth, and destroy those who will not make obeisance to the state. Out of this tradition comes, according to plaintiffs, the scriptural reference to what plaintiffs' witnesses refer to as the "mark of the Beast" -- in the Stevenses' view, social security numbers.

The plaintiffs' expert, Dr. Willis E. Elliott, is an ordained minister of the United Church of Christ well versed in scriptural interpretation, with doctorates from the University of Chicago and from the Northern Baptist Theological Seminary. He explained that the Book of Revelation was written about 96 A.D., a particularly bleak time for early Christians who faced genocide under the edicts of the Roman emperor Domitian. Yet the imagery, apocalyptic tone, and the central concern with the figure of an Antichrist, he said, is adapted from earlier sources.

In the Old Testament, the seventh chapter of the Book of Daniel tells of Daniel's dream in which he saw "four great beasts . . . from the sea, diverse one from another", who ruled the earth until that kingdom was finally recaptured by "one like the Son of man" who would rule on for eternity.

Daniel 7:3,13. In Daniel, according to plaintiffs' interpretation, the beasts are explicitly political powers who prevail for a time against the forces of God. Daniel 7:24-27. The "Son of man" who will ultimately conquer these forces is, according to plaintiffs' contention, the predicted Messiah of the Jews.

Daniel, like Revelation some two-and-a-half centuries later, grew, according to the testimony, out of a historical context threatening destruction of a religious group. The original model for the Antichrist, Antioches Epiphanes, was king of Syria from 175 to 163 B.C. During his reign, Antioches attempted to Hellenize his domain, and part of his program for accomplishing cultural homogenization was the destruction of the Jewish religion. See C.M. Laymon, The Interpreter's One-Volume Commentary on the Bible 13-14 (1971); The Columbia Encyclopedia 85 (2d ed. W. Bridgewater & S. Kurtz 1963). Instead, he inspired the revolt of the Maccabees.

Dr. Elliott described quite fully in his testimony his analysis of the perception Jews and Christians had of overweening secular authority.

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The Antichrist is merely the reverse Christ and since Christ is a [Greek translation of a] Jewish word, the whole Messianic expectation of the Jews is involved in the Antichrist.

. . .

The reason Jews no longer use the term "Antichrist" is because the word "Christ" . . . has gotten hooked narrowly into Christianity. But it has always [meant] the threat and destruction to human liberty and life.

The threat of annihilation for the early Christians, plaintiffs explain, began with Emperor Nero who fixed the blame for the great fire that destroyed Rome in 64 A.D. on that fledgeling religious community. The Columbia Encyclopedia 1478 (2d ed. W. Bridgewater & S. Kurtz 1963). The persecution was continued under Domitian. Once more, secular authority came into direct conflict with religious authority. The imagery of the Antichrist was particularly apt as applied to Roman emperors who elevated themselves above the temporal by claiming deification and the right to be worshipped as well as obeyed. This was the ultimate forging together of church and state, and the vision drawn upon by John of Patmos in composing the Book of Revelation.

The fear expressed by the Stevenses of rendering too much to Caesar is not, according to the uncontradicted

testimony, too different from the fear expressed by St. John, although the historical context is radically different.

John was urging Christians not to compromise their faith by paying lip service to the cult of the emperor -- that is to say, worship of the state. The Interpreter's Dictionary of the Bible 745 (Supp. 1976).

In the thirteenth chapter of the Book of Revelation -- the passage on which the Stevenses contend their belief is primarily based -- John writes of two great beasts, one coming up from the sea and the other from the land. Evidence presented by plaintiffs suggest agreement among scholars that the beast from the sea symbolizes the Emperor, while the beast from the land represents his priests who "exerciseth all the power of the first beast . . . and causeth the earth and them which dwell therein to worship the first beast. . . ." Revelation 13:12; A. E. Harvey, The New English Bible: Companion to the New Testament 820 (1970).

According to St. John, the second beast had power to kill those who would not worship the first. In addition,

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16. [H]e causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads:

17. And that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name;

18. Here is wisdom. Let him that hath understanding count the number of the beast: for it is the number of a man; and his number is Six hundred threescore and six.

Revelation 13:16-18.

The "mark of the Beast" is what, according to plaintiffs' expert, sorts out those who are in favor with the temporal powers from those who will not survive the regime. This is the passage that the Stevenses say was the origin of their opposition to accepting the "mark" of the social security number. What the "mark", as referred to by John, was cannot be identified with certainty. A. E. Harvey, The New English Bible: Companion to the New Testament 820-21 (1970), suggests the mark was the coinage of Rome, bearing the image and titles of the emperor, which was handled in every commercial transaction in the Empire. Another commentator suggests that the mark was a brand, similar to that used to mark slaves. A. Farrer, The Revelation of St. John the Divine 157 (1964). Dr. Elliott, in his expert testimony at the trial, offered an alternative explanation:

[The emperor's priests] were functioning, not as we would think religious priests would, but rather as police to bring in the Christians and they had to have some way of identifying these Christians and they would ask them for their pass.

Their pass was called a libellus, made of papyrus and it said on it -- . . . we have some of these from way back in the first century -- and it said: I have sacrificed to the Emperor and then it had the signature.

All you had to do to sacrifice was to place a pinch of incense on the altar of . . . the Emperor, and that was it.

You signed, the priest signed and every time you got nailed by the police you could show your passport.

If you didn't have it, the libellus, you could be dragged into court and executed the same day. This was instant death.

That is the mark of the beast.

While these highly scholarly explanations of the meaning of the mark are all plausible, the interpretation of the Stevenses that it is a number is also straightforward. The Scripture speaks of the number of the Beast, and says that it is 666. Revelation 13:18. Modern scholars, the testimony indicated, assume that 666 is an example of gematria, a device by which letters are translated into their numerical equivalent. It may stand for the Emperor Domitian. G. B. Caird, A Commentary on the Revelation of St. John the Divine 174-75 (1966). Or it may refer to Nero. Id. at 175; R. H. Charles, I A Critical and Exegetical Commentary on the Revelation of St.

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John 367 (1920). In either case, the number represented ruthless power backed by the forces of the Roman Empire and pitted against a discreet sect of religious nonconformists.

The meaning of the mark to theologians -- whatever they believe the mark to have been -- is strikingly similar to the meaning for the Stevensens, who see a potential for abuse of the spiritual side of humanity in a number which could act as a universal identifier. R. H. Charles in his commentary says:

The object of enforcing the wearing of the mark is not the minor one of cutting off the recusants from buying and selling. . . . [T]he penalty of such recusancy is immediate death. The necessities of life are to be withheld from such as have not the mark of the beast in order to bring them under the notice of the imperial authorities. . . . A ruthless economic warfare is here proclaimed with a view to the absolute supremacy of the State. This is not represented as a fact of the present but as the future in store for the inhabitants of the earth.

R. H. Charles, A Critical and Exegetical Commentary on the Revelation of St. John 363 (1920).

Since having a social security number in this society has become a prerequisite for so many of the society's benefits (both from the public and private sectors), no great

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leap of imagination is necessary to travel from the exegesis of Revelation to the plaintiffs' belief that such numbers could function, if the state were to become too powerful, like the mark of the Antichrist spoken of in the biblical text. With the history and literature marshalled by plaintiffs to support their contention, their belief must be characterized as religious for purposes of this case.

III. Balancing State Against First Amendment Interests

Our law has long acknowledged the profound respect which is due the judgment of parents as to the activities of their children. See Meyer v. Nebraska, 262 U.S. 390, 43 S.Ct. 625, 67 L.Ed. 1042 (1923). This has been particularly true in the area of religious training, a subject which first received special attention in Pierce v. Society of Sisters, 268 U.S. 510, 45 S.Ct. 571, 69 L.Ed. 1070 (1925). As the Supreme Court noted many years later in Wisconsin v. Yoder, "[T]he . . . holding in Pierce stands as a charter of the rights of parents to direct the religious upbringing of their children." 406 U.S. 205, 233, 92 S.Ct. 1526, 1542, 32 L.Ed.2d 15 (1972). See also West Virginia State Board of Education v. Barnette, 319 U.S. 624, 63 S.Ct. 1178, 87 L.Ed. 1628 (1943); Prince v. Commonwealth of Massachusetts,

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321 U.S. 158, 64 S.Ct. 438, 88 L.Ed. 645 (1944).

The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.

Wisconsin v. Yoder, 406 U.S. at 233, 92 S.Ct. at 1541-42.

Thus, in any consideration of the issues in this case, the combination of the Stevenses' religious and parental rights will weigh heavily in their favor. These rights, however, are not absolute. As the Court pointed out in Yoder,

[W]hen the interests of parenthood are combined with a free exercise claim of the nature revealed by this record, more than merely a "reasonable relation to some purpose within the competency of the State" is required to sustain the validity of the State's requirement under the First Amendment. . . . [T]he power of the parent, even when linked to a free exercise claim, may be subject to limitation . . . if it appears that parental decisions will jeopardize the health or safety of the child, or have a potential for significant social burdens.

406 U.S. at 233-34, 92 S.Ct. at 1542. See Prince v. Massachusetts, 321 U.S. 158, 64 S.Ct. 438, 88 L.Ed. 645 (1944).

What is, in essence, involved is a balancing of the interests of the plaintiffs in the free exercise of their

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religion against the governmental interest in the challenged policy or statute. "The gain to the subordinating interest provided by the [challenged governmental] means must outweigh the incurred loss of protected rights", Elrod v. Burns, ____ U.S. ____, 96 S.Ct. 2673, 2684, ____ L.Ed.2d ____ (1976), before an infringement of those protected rights will be countenanced.

Once a bona fide First Amendment issue is joined, the burden that must be shouldered by the government to defend a regulation with impact on religious actions is a heavy one. The basic standard was set out for freedom of religion cases by the Supreme Court in Sherbert v. Verner, 374 U.S. 398, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963). There the Court said that a "compelling state interest" must be demonstrated.

It is basic that no showing merely of a rational relationship to some colorable state interest would suffice; in this highly sensitive constitutional area, "[o]nly the gravest abuses, endangering paramount interests, give occasion for permissible limitation," Thomas v. Collins, 323 U.S. 516, 530, 65 S.Ct. 315, 323, 89 L.Ed. 430.

374 U.S. at 406, 83 S.Ct. at 1795. The Court has recently emphasized this norm:

It is firmly established that a significant impairment of First Amendment rights must survive exacting scrutiny. . . . [E]ncroachment "cannot be justified upon a mere showing of some legitimate state interest." . . . The interest advanced must be paramount, one of vital importance, and the burden is on the Government to show the existence of such an interest.

Elrod v. Burns, ____ U.S. ____, ____, 96 S.Ct. 2673, 2684, ____ L.Ed.2d ____ (1976). But cf. Braunfeld v. Brown, 366 U.S. 599, 81 S.Ct. 1144, 6 L.Ed.2d 563 (1961) (Sunday closing laws upheld against Saturday Sabbath observer).

There is no case law determining whether the state and federal governments can meet the compelling state interest test so far as the use of social security numbers is concerned. Analogous cases indicate that they cannot. In Sherbert v. Verner, 374 U.S. 398, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963), for example, the Supreme Court held that religious needs outweighed the state's ordinary constitutional power to regulate in the area of unemployment benefits. Plaintiff was a Seventh-Day Adventist whose religion prohibited Saturday work. She had lost her job because she would not work on that day. The state found her unavailable for work "without good cause" and barred her from unemployment compensation. The Court found the state's purposes -- prevention of fraud

against the benefit fund, and inconvenience to employers -- far from compelling, and reversed. In language which could apply with equal force to Mr. and Mrs. Stevens, the Court noted:

The ruling forces her to choose between following the precepts of her religion and forfeiting benefits, on the one hand, and abandoning one of the precepts of her religion in order to accept work, on the other hand.

374 U.S. at 404, 83 S.Ct. at 1794. But cf. Yott v. North American Rockwell Corp., ___ F.Supp. ___ (C.D. Calif. 1977) (government may not require employer to accommodate to employee's religious beliefs).

Congress itself in several instances has recognized a potential conflict between the use of social security numbers and the rights of individuals to freedom of religious belief. Where it has considered the issue, it has resolved it in favor of religious scruples. For example, the Secretary of Health, Education and Welfare is permitted to exempt such religious groups as the Amish from the obligation to pay social security taxes "if they are, by reason of the tenets of their sect, opposed to receipt of such benefits and agree to waive them." Wisconsin v. Yoder, 406 U.S. 205, 223, 92 S.Ct. 1526, 1537, n. 11 (1972). 26 U.S.C. § 1402(h); S. Rep. No. 404,

89th Cong., 1st Sess., in U.S. Code Cong. & Adm. News at 1959 (1965). Similarly, the Social Security Amendments of 1954, P.L. 83-761, 42 U.S.C. § 410(a)(8)(A), allowed clergy the option of joining the social security system or staying out as their consciences dictated. See Sen. Rep. No. 1987, 83d Cong., 2d Sess., in U.S. Cong. & Adm. News at 3717-18 (1954). See also 26 U.S.C. § 1402(e). It would, of course, be inappropriate to deny necessary aid to the children because of their parents' religious beliefs.

Only one witness testified that the need for the Stevens children to have social security numbers was substantial. The Assistant Commissioner of the New York State Department of Social Services in charge of Field Operations, testified that because the number of welfare recipients has increased at the same time that the number of programs through which aid is filtered has proliferated, the problems of fraud are great. In some instances, employed persons supplement their incomes illegally by continuing to collect unemployment benefits. In others, applicants have overstated the number of children and other dependents making up their household to increase the amount of their aid.

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There can be little doubt that the use of social security numbers, combined with computers, is an important tool in efforts to combat such instances of welfare fraud. Admittedly, however, the number is not a perfect device, since millions of people are estimated to hold more than one number or to share a number. Privacy Protection Study Commission, The Use of the Social Security Number in the Private Sector 7 (Memorandum, Oct. 22, 1975). But the evidence produced by the state was entirely unconvincing. It did not prove that the Stevenses, or those few others who might share their beliefs, pose insurmountable problems if their social security numbers cannot be fed into the maws of welfare computers.

There is no suggestion of a threat sufficient in size to compromise the orderly administration of the state or national welfare program, or to render the statutory and regulatory scheme unworkable. This case does not "present an administrative problem of such magnitude, or . . . afford the exempted class so great a competitive advantage, that such a requirement would have rendered the entire statutory [and regulatory] scheme unworkable." Sherbert v. Verner, 374 U.S. 398, 408-09, 83 S.Ct. 1790, 1796, 10 L.Ed.2d 965 (1963).

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The feasibility of devising some alternative to deal with persons like the Stevenses is suggested by the model of the federal Internal Revenue Service, which has developed other ways to identify members of the clergy who have opted out of the social security system. First Amendment principles demand that such an effort be made. That is the intent of the least drastic means doctrine which is applied regularly in cases dealing with rights protected by the First Amendment. In United States v. Robel, 389 U.S. 258, 88 S.Ct. 419, 19 L.Ed.2d 508 (1967), the Supreme Court clearly articulated this idea:

Our decision today simply recognizes that, when legitimate legislative concerns are expressed in a statute which imposes a substantial burden on protected First Amendment activities, Congress must achieve its goal by means which have a "less drastic" impact on the continued vitality of First Amendment freedoms. . . . The Constitution and the basic position of First Amendment rights in our democratic fabric demand nothing less.

389 U.S. at 267-68, 88 S.Ct. at 425-26 (footnote and citation omitted). With the willingness of the plaintiffs to cooperate a matter of record, some method of satisfying both the demands of the temporal and of the Divine can be found.

Undoubtedly, the effort required to accommodate our political and legal system to the extraordinarily diverse and individualistic exercise of rights preserved for us by the Bill of Rights creates strains and inconveniences to the bureaucracy. "It would be more convenient for authorities if all people were the same in religion and outlook." United States v. Kahane, 396 F.Supp. 687, 703 (E.D.N.Y. 1975). Our Constitution, however, prevents forcing individuals into a single religious mold. As Mr. Justice Jackson observed:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

West Virginia State Bd. of Education v. Barnette, 319 U.S. 624, 642, 63 S.Ct. 1178, 1187, 87 L.Ed.1628 (1943).

When an individual seeks to act on beliefs arguably grounded on religious faith, and such actions will affect others adversely, some limits must be recognized. Because one believes it is God's command to kill, homicide is not justified (although the belief may be the predicate for a claim of

delusion and insanity). People v. Schmidt, 216 N.Y. 324, 340, 110 N.E. 945, 949 (1916). Nor can religion serve as a cover for mail fraud. United States v. Ballard, 322 U.S. 78, 64 S.Ct. 882, 88 L.Ed. 1148 (1944). Closer to the dividing line, it is improper to have two spouses simultaneously, even when Mormon religious tenets approve, Reynolds v. United States, 98 U.S. 145, 25 L.Ed. 244 (1878), but it is not improper, under the freedom of religion clause, for the religiously-inspired Amish to keep their children out of high school, Wisconsin v. Yoder, 406 U.S. 205, 92 S.Ct. 1526, 32 L.Ed. 2d 15 (1972).

In the case before us, plaintiffs seem to fall well within the realm of permissible religious activity. Their refusal to supply social security numbers does no physical, psychic or other harm to the individuals most affected -- their children. No concept of parens patriae warrants protective intervention by the state. And the deleterious effects of their action on the welfare system is miniscule.

IV. Conclusion

The New York State Department of Social Services, the Suffolk County Department of Social Services, and the United States Department of Health, Education and Welfare are

55

enjoined from denying to Virginia and David Stevens
and to their children public assistance benefits for which
they otherwise qualify solely because they refuse, for
for religious reasons, to obtain social security numbers
for the children.

This memorandum contains findings of fact
and law and is a final judgment.

SO ORDERED.

U. S. D. J.

Dated: Brooklyn, New York
March 3, 1977.

IS:LAS:mas

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAVID STEVENS, DAVID STEVENS and
VIRGINIA STEVENS, on behalf of
their minor children,

Plaintiffs,

- against -

STEPHEN BERGER, individually and as
Commissioner of New York State De-
partment of Social Services, JAMES E.
KIRBY, individually and as Commissioner
of SUFFOLK COUNTY DEPARTMENT OF SOCIAL
SERVICES; JOSEPH CALIFANO, as the
Secretary of the DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,

Defendants.

Civil Action No.

76 C 1554

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NEW YORK CITY
JUDGMENT

A memorandum decision of Honorable Jack B. Weinstein, United States District Judge, having been filed on March 3, 1977, granting judgment in favor of the plaintiffs David Stevens and David Stevens and Virginia Stevens on behalf of their minor children and against the defendants Stephen Berger, individually and as Commissioner of New York State Department of Social Services, James E. Kirby, individually and as Commissioner of Suffolk County, Department of Social Services and Joseph Califano, as the Secretary of the Department of Health, Education and Welfare and 1) declaring Section 405(a)(25) of the Social Security Act, as amended, and the regulations promulgated thereunder, and Title 18 New York City Rules and Regulations, Section 351.2(c) to violate plaintiffs constitutional right to Free Exercise of Religion and 2) enjoining and restraining the said defendants from denying to David and Virginia Stevens and to their minor children, public assistance benefits for which they

otherwise qualify, solely because they refuse, for religious reasons, to obtain social security numbers for the children, Now it is hereby,

ORDERED, ADJUDGED AND DECREED, that judgment be and it hereby is, entered in favor of the plaintiffs and against the defendants, and it is further,

ORDERED, ADJUDGED AND DECREED, that the defendants be and they hereby are enjoined and restrained from denying to Virginia Stevens and David Stevens and to their minor children public assistance benefits for which they otherwise qualify, solely because they refuse, for religious reasons, to obtain social security numbers for the children.

Dated: Brooklyn, New York
May 4, 1977

1/3/ Jack B. Weinstein
Clerk
U.S. D.J.

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 -----X

4 STEVENS :

5 vs. :

76-C-1554

6 BERGER :

7 Defendant. :

8 -----X

9
10 United States Courthouse
Brooklyn, New York

11 December 9, 1976
12 10:30 o'clock A.M.

13
14 B e f o r e :

15 HONORABLE JACK B. WEINSTEIN, U.S.D.J.
16
17
18
19
20
21

22 ILENE GINSBERG
23 OFFICIAL COURT REPORTER
24
25

Appearances:

Community Legal Assistance Corporation
For the Plaintiff

BY: CHARLES MC EVILY and
STEPHEN SATKIN, ESQS.

Attorney General, State of New York
For the Defendants

BY: JOAN SCANNELL, ESQ.

-and-

HOWARD PACHMAN, ESQ., of the
Suffolk County Attorney's Office

BY: JEROME CAMPO, ESQ.

Also present: DAVID G. TRAGER, ESQ.
United States Attorney

BY: LEONARD SCLAFANI, ESQ.

1 THE CLERK: Civil cause for trial, Stevens
2 against Berger.

3 THE COURT: Good-morning, everybody.
4 Call your first witness.

5 MR. MC EVILY: Your Honor, I am taking Mr.
6 Grodefsky's place and with me is Stephen Satkin, a
7 legal intern from Hofstra Law School.

8 I would request that Mr. Satkin be allowed to
9 perform the direct examination with regard to
10 plaintiffs and he will take no other part in the
11 trial.

12 He has argued before your Honor before.

13 THE COURT: All right.

14 MS. SCANNELL: Your Honor, I'd like to make
15 some statements as to recent developments discovered
16 in this case.

17 Plaintiffs, in June, were terminated on home
18 relief for the reason Mr. Stevens failed to report
19 his income tax refund of 1975.

20 In September, I believe, plaintiff received
21 a fair hearing and the decision which I received
22 today was that plaintiff would be terminated from
23 home relief because he failed to report and verify
24 the amount of his income tax refund which is
25 considered as income.

67.

1 My understanding from plaintiff's initial
2 papers was that he was terminated from home relief
3 due to the Social Security numbers problem.

4 On a close reading of the fair hearing decision,
5 on that May fair hearing on the Social Security numbers,
6 his children were terminated but not the plaintiffs,
7 Mr. and Mrs. Stevens.

8 I think this puts a very different light on
9 the case.

10 I think we are dealing with not only the issue
11 of Social Security numbers but also a fair hearing
12 found to be a knowing and willful failure to report
13 income and it was my understanding when by your
14 Honor's order he was restored to aid -- it was my
15 understanding -- and I believe your Honor understood
16 it to be -- that the reason he was terminated from
17 aid was because of the Social Security numbers.

18 THE COURT: That is correct.

19 MS. SCANNELL: I would like to bring this to
20 the Court's attention. (Indicating document.)

21 I'll be happy to show the Court the decision
22 on the income tax.

23 THE COURT: Mark it in evidence as a defense
24 exhibit.

25 What is your application?

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1 MS. SCANNELL: Well, I just -- my application,
2 your Honor, is that the issue here is not then, whether
3 the plaintiffs, Mr. and Mrs. Stevens, are entitled to
4 be restored to home relief, but whether the children
5 are entitled to be restored.

6 THE COURT: You are moving to dismiss against
7 the plaintiffs on the ground it is moot on the decision
8 denying them relief on independent grounds?

9 MS. SCANNELL: Yes.

10 THE COURT: Let's hear from plaintiff.

11 MC EVILY: The legal conclusion counsel reached
12 may be correct. There is no way to demonstrate if it
13 is correct or not but the fair hearing decision as to
14 Social Security numbers did state that the children
15 of plaintiff would be terminated. That decision was
16 interposed on August 9.

17 On September 1st and October 1st the plaintiffs
18 received no check from the Department of Social
19 Services.

20 If the decision related only to the children
21 they would have received a more limited check for
22 each of them but they would have, nevertheless,
23 received a check.

24 The one problem that complicates this analysis
25 is that while the decision was pending regarding the

1 Social Security numbers, the plaintiffs had a hearing
2 as to a photostatic copy of an income tax return
3 which -- they did not have the photostatic copy --
4 which they have subsequently produced. But, the
5 hearing had the legal result of the plaintiffs
6 continuing on an aid continuing basis. In other
7 words, they would have received -- until October 15,
8 which is the date of the decision regarding the
9 income tax form -- aid continuing.

10
11 The facts of the case demonstrate that the
12 plaintiffs did not receive a check on September 1st
13 nor October 1st, the two dates they should have
14 received it if the factual conclusion counsel pre-
15 sents is correct.

16 THE COURT: I am not going to get involved with
17 that rather trivial point.

18 What is the decision with respect to the
19 plaintiffs? Are they in Court or out of Court on
20 their religious objection grounds?

21 MR. MC EVILY: I believe they are clearly in
22 Court.

23 They were both terminated because they re-
24 fused to submit Social Security numbers for their
25 children.

If your Honor rules that the law of the case

64

1 is that only the children were terminated then they
2 appear on behalf of their children --

3 THE COURT: Excuse me.

4 Are the children entitled to relief when the
5 parents are cut off because they have not revealed
6 income?

7 MR. MC EVILY: That issue is moot at this
8 point.

9 THE COURT: I don't know what you mean.

10 MR. MC EVILY: The parents, but for the Social
11 Security number, should be receiving home relief.

12 THE COURT: As of today?

13 MR. MC EVILY: Yes.

14 THE COURT: Is that so?

15 MS. SCANNELL: That is pursuant to your order
16 to restore them.

17 THE COURT: I asked for the decision --

18 MS. SCANNELL: Yes. I will give your Honor
19 both decisions.

20 I will mark them G and H.

21 On page 2 of the first hearing it specifically
22 states they terminated the children.

23 THE CLERK: Exhibits G and H marked into
24 evidence.

25 (So marked.)

1 (Documents handed to Court.)

2 (Pause.)

3 THE COURT: I cannot read the date on Defendant's
4 Exhibit H.

5 What date was it denied?

6 MS. SCANNELL: They say in October. The
7 teletyped it down from Albany --

8 THE COURT: What is the date?

9 MS. SCANNELL: I don't know. I can call Albany
10 and find out. I think it was in October. I think
11 they terminated them as of June when they failed to
12 report.

13 I just found out about this yesterday. I can
14 get the date by calling Albany but as of now I think
15 it was some time around October.

16 THE COURT: Well, we have a termination because
17 he failed to report.

18 I don't understand why you are here.

19 MR. MC EVILY: That decision has been mooted
20 out because the plaintiff submitted the tax form
21 required and it has been accepted by the department.

22 THE COURT: Would he be entitled to relief
23 immediately?

24 MR. MC EVILY: Yes.

25 MR. CAMPO: If I may be heard.

61

1 THE COURT: Yes.

2 MR. CAMPO: We have some very interesting
3 developments.

4 I have discussed this case with hierarchy in
5 our department with two viewpoints; one, that the form
6 he filled out pursuant to your Honor's order for
7 restoration is not acceptable to the supervisor. He
8 should have made out a full application because the
9 case was fully closed on the tax return problem. The
10 supervisor told me when he gets the file he will not
11 continue the assistance.

12 THE COURT: He will do whatever he is ordered
13 to do.

14 MR. CAMPO: The second problem is that we have
15 been notified by the State that the present circum-
16 stances under which the plaintiffs find themselves,
17 render them now a federal category case.

18 Mr. Stevens is unemployed. He is receiving
19 unemployment insurance benefits. Congress passed a
20 law in October --

21 THE COURT: What is he getting?

22 MR. CAMPO: \$237 a month.

23 THE COURT: Would he still be entitled to
24 welfare assistance?

25 MR. CAMPO: Yes, but it is not a home relief

1 case any longer.

2 We have received an administrative letter that
3 now his case has to go into a federal category --

4 THE COURT: Please. Don't get me ensnarled in
5 the federal and state bureaucracy.

6 I want a straight answer. Would he be entitled
7 to relief if he didn't have this problem with the
8 so-called religious issue?

9 MR. CAMPO: Yes, providing he cleared up the
10 income tax problem and filled out a proper application.

11 THE COURT: I am not concerned with the problem
12 of filling out the proper forms.

13 I take it, if the forms were filled out, the
14 woman and children would be entitled to relief as
15 of today except for the issue with respect to Social
16 Security; right?

17 MR. CAMPO: The attack here today would have to be
18 on the federal law as well as the state regulations
19 because he is now a federal category case.

20 THE COURT: But wouldn't he be entitled to
21 state or local welfare?

22 MR. CAMPO: Under ADC 25 per cent would be
23 state funds and 75 per cent would be county and
24 federal government funding.

25 Under the home relief category state funding

1 would be 50 per cent and county funding would be
2 50 per cent.

3 THE COURT: You give 25 per cent from the state?

4 MR. CAMPO: Yes.

5 THE COURT: Will you contribute it? He will
6 fill out the forms this afternoon.

7 MR. CAMPO: Perhaps the United States Attorney's
8 office should be part of this proceeding since they
9 are now in the federal category.

10 THE COURT: Did anybody move --

11 MR. CAMPO: This is a recent development.

12 MS. SCANNELL: I wrote to the United States
13 Attorney's office weeks ago.

14 THE COURT: Then they have been notified.

15 MS. SCANNELL: Part of the problem is that when
16 you have federal or home relief, as it was explained
17 to me -- and I am not an expert --

18 THE COURT: Call the United States Attorney and
19 tell them to get somebody up here.

20 MS. SCANNELL: Home relief is a state category
21 they put people in when they cannot put them in a
22 federal category.

23 Each recipient and applicant has to give a
24 Social Security number.

25 Now, they have the one application form and

1 they go in and fill out the application to determine
2 if they are needy.

3 Then, they look to see if they can get them in
4 federal and if not they end up in home relief.

5 If they get them in federal they are governed
6 by federal law. If in home relief they are governed
7 by state law. But, they switch back and forth.

8 It is my understanding he is now eligible for
9 federal relief which puts him in the federal category
10 and the U.S. Attorney should be here.

11 THE COURT: We will get him up and he will sit
12 with you and hold your hand and I am going to try the
13 case.

14 I am not interested in this. We are interested
15 in the children.

16 The children don't care where the money comes
17 from and the issue is whether these children, as I
18 understand it, are entitled to help so they can eat
19 and have clothing and other necessities and they are
20 not interested where the greenbacks come from. It is
21 of no concern to them and really, it is of no concern
22 to me.

23 The issue is not moot.

24 MS. SCANNELL: Then the issue we are trying
25 here is whether the children are entitled to relief

1 and not the parents.

2 THE COURT: That I am not going to decide,
3 because as I understand 't the whole family unit is
4 entitled to relief as a unit.

5 MS. SCANNELL: But I think the children can
6 be entitled to relief independent of the parents.

7 THE COURT: What difference does it make?
8 You can brief that if you think it is important.

9 MR. MC EVILY: The notice submitted attached
10 to the plaintiff's complaint stipulates states:

11 This is to advise you that this department
12 intends to discontinue your public assistance grant
13 on 4/30/76.

14 This is the notice sent with regard to the
15 Social Security numbers. It does not say: Reduce your
16 grant.

17 THE COURT: You can brief it.

18 Get the right forms filled out this afternoon
19 so we get all of this other nonsense out of the case.

20 Now, we are going to get the expert from the
21 U.S. Attorney's office and then we are going to try
22 the case.

23 For the record, you had better substitute a
24 better copy of Exhibit H or else get the dates
25 straightened out, would you please.

1 MS. SCANNELL: Yes, your Honor.

2 THE COURT: There are all these equitable
3 rules -- equity does justice; you have to come in to
4 Court with clean hands. Do you remember them all from
5 law school? I suppose there has to be another one --
6 equity will not become ensnarled in bureaucratic
7 workings; equity will do justice despite bureaucracies.
8 There has to be an update.

9 MR. MC EVILY: If I may, the plaintiff has two
10 witnesses and one of them has severe time limitations --

11 THE COURT: I have too.

12 We need the U.S. Attorney.

13 (Addressing clerk.) See if there's a U.S.
14 Attorney out there. Get him in here.

15 Have you filed papers in this Court permitting
16 you to practice, Mr. Satkin?

17 MR. SATKIN: Yes, I have.

18
19 (Continued next page.)
20
21
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25

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1/2AM
IG:pat

V. Stevens - Direct/Satkin

15

THE COURT: Swear the witness, please.

MR. SATKIN: Your Honor, Virginia Stevens will
be the first witness.

V I R G I N I A C L A I R E S T E V E N S , having
affirmed before the Court took the witness stand
and testified as follows:

THE CLERK: State your name and spell it,
please.

THE WITNESS: Virginia Claire Stevens,
S-t-e-v-e-n-s.

(Whereupon Mr. Leonard Sclafani entered the
courtroom.)

THE COURT: Sit down next to Mr. Campo.

You are representing the Government as a
friend of the Court. You may wish to intervene.
Give him a pad please.

Proceed.

MS. SCANNELL: May I have two minutes to
tell him what it is about?

THE COURT: He will pick it up.

DIRECT EXAMINATION

BY MR. SATKIN:

Q Ms. Stevens, are you one of the plaintiffs i
this action?

1

2

A Yes.

3

Q Are you related to David Stevens?

4

A Yes.

5

Q During the course of your marriage have there

6

been born four children?

7

A Yes.

8

Q Would you give us the names and dates, please,

9

of birth.

10

A Donna Renee Stevens, February 15, 1967;

11

David Charles Stevens, August 7, 1969; Christian Isaiah Stevens,

12

August 8, 1972 and Jeremy Scott Stevens, October 16, 1974.

13

Q Ms. Stevens, do your children attend any reli-

14

gious schools?

15

A Yes, they do.

16

Q Can you tell me which schools?

17

A Beth El YOSHUA.

18

Q Can you tell us if there are any affiliations

19

the school is attached to?

20

A Yes, St. John's Lutheran Church.

21

Q Where is the Church located?

22

A Hicksville Road and Gail Drive, North Massapequa.

23

Q Do your children attend school full time?

24

A Yes.

25

Q Do they work?

1
2 A No.

3 Q Ms. Stevens, did there come a time when you and
4 your husband had to seek financial assistance from the Suffolk
5 Department of Social Services?

6 A Yes.

7 Q Have you ever sought assistance from any other
8 Welfare Agency whether on the State or Federal level?

9 A No.

10 Q Tell the Court when you began to receive assis-
11 tance from the Department of Social Services.

12 A I believe it was 1969.

13 Q Did you sporadically receive assistance from
14 that time to the present time?

15 A Yes.

16 Q In what category of assistance were you placed
17 by the Department of Social Services?

18 A Initially, ADC.

19 Q And subsequently?

20 A UDC and Home Relief.

21 Q Did there come a time when you were advised by
22 the Department of Social Services that they required you to
23 submit Social Security numbers for your children?

24 A Yes.

25 Q Please tell the Court when that was.

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I believe in March of 1976.

Do you and your husband possess Social Security numbers?

We do.

Do your children possess Social Security numbers?

No, they do not.

Again, please state the ages of your children.

9, 7, 4, and 2.

Now, as a result of the request of the Suffolk County Department of Social Services, what if anything did you do regarding the acquisition of Social Security numbers for your children?

My husband and I prayed about it and sought direction from the Lord; read the scriptures and came to the conclusion we could not comply.

When you say "prayed," could you give us an explanation?

Yes.

In the scriptures in Psalms 37 Verse 23 it says that the Lord orders a good man -- the Lord shows -- gives direction --

THE COURT: I'm sorry I can't hear you.
Speak into the microphone directly.

1

THE WITNESS: Okay.

2

3

THE COURT: Psalm 37 Verse 23, tell us what

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it says.

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THE WITNESS: It says the Lord directs the

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paths of the person who is right with him. That is

7

what I believe it to say.

8

THE COURT: I cannot hear you.

9

The Lord directs what?

10

THE WITNESS: The Lord directs the good man's

11

way and my belief is that you have to seek that direc-

12

tion and throughout all of the scriptures we are told

13

to pray, pray dilligently and unceasingly.

14

Q Did you advise the Department of Social Services

15

of the result that came about from your praying?

16

A Yes, I did.

17

Q Please tell the Court --

18

THE COURT: I don't follow you.

19

You are relying on Psalm 37 Verse 23 as the

20

basis for your refusal --

21

THE WITNESS: Oh, no. I am relying on the

22

whole Bible. It is consistent throughout the Bible

23

that we are instructed to pray.

24

THE COURT: Are you relying on any specific

25

aspect with respect to the Social Security numbers?

1
2 THE WITNESS: Yes..

3 MR. SATKIN: I'll get to that.

4 THE COURT: Let's establish that before
5 she goes into the bureaucracy.

6 Q Did you advise the Department of --

7 THE COURT: Let's get to the basis of her
8 belief before she gets to the advice.

9 Q You stated that you refused to comply with the
10 defendant's demands for Social Security numbers.

11 Can you share with the Court exactly what your
12 religious beliefs are.

13 A Yes.

14 I believe that an anti-Christ, spoken of through-
15 out the scripture, will come soon and he will establish a
16 system of numbers and will cause all people to have these num-
17 bers and if they do not have them they will not be able to
18 pay or sell or function as you would have it in society.

19 Also, I believe that if those numbers are given
20 to an individual the scriptures states very clearly the wrath
21 of God will follow such numbering and -- if I can find the
22 right word -- and not allow entrance into heaven -- their
23 entrance into heaven will be hindered.

24 Q Can you give us a specific scripture?

25 A The book of Daniel, the book of Matthew, the

1
2 book of Revelation, specifically.

3 THE COURT: What specific parts?

4 THE WITNESS: Daniel, Chapter 7 and Chapter 8
5 speaks of the coming of the anti-Christ, the coming
6 of the world powers and Revelation speaks further of
7 the coming of the anti-Christ and the system he will
8 enforce, his system of numbers.

9 I believe that it states that he will be elected
10 because he will cause things that people will enjoy
11 seeing and they will want him to be the ruler of the
12 world so they will elect him and that is when he will
13 cause all to have these numbers and I believe that this
14 system is already here just waiting to be picked up
15 because the power that that system has is demonstrated
16 right here, probably.

17 Q Ms. Stevens, would you relate the Social Security
18 number and the systems of Social Security numbers with your
19 beliefs?

20 THE COURT: Excuse me.

21 Do you have reference to any specific part of
22 Matthew?

23 THE WITNESS: Yes. In Matthew, it is 23 or
24 21 -- chapter -- in the twenties.

25 It speaks of a tribulation period, what will

1
2 come to pass before the second coming of the Messiah
3 and also in the book of Malachi it speaks of two
4 comings, a great and a dreadful day of the Lord. So,
5 I believe it is referring to the dreadful day when he
6 rules.

7 THE COURT: Is there a specific reference to
8 numbering people?

9 THE WITNESS: Chapters 13, 15 and 17 of Revela-
10 tion.

11 THE COURT: Are there any other aspects specif-
12 ically?

13 THE WITNESS: I don't understand what you mean.

14 THE COURT: Are there any other specific refer-
15 ences that you want to give that you rely upon?

16 THE WITNESS: No.

17 Q Ms. Stevens, I show you a document marked
18 Plaintiff's Exhibit 1 for Identification.

19 (Document handed to witness.)

20 Q Do you recognize this document?

21 A Yes.

22 Q Could you tell the Court what it is?

23 A Yes.

24 It is a photostatic copy of some chapters in
25 the Book of Revelation.

1
2 Q Does this document contain verse you have read
3 and upon which you formed the basis of your religious belief?

4 A Yes.

5 MR. SATKIN: I'd like to submit this document
6 into evidence.

7 THE COURT: Mark it.

8 THE CLERK: Plaintiff's Exhibit 1 for Identi-
9 fication marked in evidence.

10 (So marked.)

11 Q Ms. Stevens, I show you a document that we have
12 marked as Plaintiff's Exhibit Number 2 for Identification.

13 (Document handed to witness.)

14 Q Do you recognize this document?

15 A Yes.

16 Q Explain to the Court what this document is.

17 A It is a photostatic copy of Chapters of the
18 Book of Daniel.

19 Q Have you read this document?

20 A Yes.

21 Q And does this contain verse upon which you base
22 your religious beliefs?

23 A Yes.

24 MR. SATKIN: I submit this document into
25 evidence.

1
2 THE COURT: Mark it.

3 THE CLERK: Plaintiff's Exhibit 2 marked in
4 Evidence.

5 (So marked.)

6 Q Ms. Stevens, I show you a document for identi-
7 fication as Plaintiff's Exhibit 3.

8 (Document handed to witness.)

9 Q Do you recognize this document?

10 A Yes, I do.

11 Q Tell the Court briefly what it is.

12 A Yes.

13 It is a tract informing people of the present
14 situation that the power of numbers -- of the power that
15 numbers have over people's lives and money.

16 Q Does this document explain some of the fears
17 that you have for your children as it relates to Social
18 Security numbers?

19 A Yes, it does.

20 MR. SATKIN: I submit this document into
21 evidence.

22 THE COURT: Mark it.

23 THE CLERK: Plaintiff's Exhibit 3 marked in
24 Evidence.

25 (So marked.)

1
2 Q We left off saying that you advised the Depart-
3 ment of Social Services about your religious beliefs. What
4 occurred thereafter?

5 A I received a letter from them sometime later
6 stating that our aid would be discontinued because we did
7 not comply.

8 Q Did you request a fair hearing regarding the
9 termination?

10 A Yes.

11 Q Did you appear at the fair hearing and explain
12 your position at that time?

13 A Yes.

14 Q Have you been advised of the result of this
15 fair hearing?

16 A Yes, I have.

17 Q What is the result?

18 A We lost.

19 Q Have you been terminated?

20 A Yes, we have been terminated.

21 Q Are you currently still in need of assistance
22 from the Department of Social Services?

23 A Yes, we are.

24 Q Would you trace for the Court your religious
25 background and affiliations?

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A Yes.

I was born and baptized a Catholic.

About seven years ago, I accepted Christ into my life as my saviour through a lot of different experiences and circumstances and I came into the Pentecostal Church at that time and I remained there for a period of about six months because at that time I became very disgruntled because I was hearing that I was saved and that was beautiful but I knew there had to be more.

So, I went to St. John's Lutheran Church in Massapequa and it is there that the Lord had me remain and get my teaching and grow.

(Continued next page.)

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MR. SATKIN: Plaintiff brought with her today documents as to the baptism and if you deem it appropriate I will mark them.

THE COURT: It is not necessary.

DIRECT EXAMINATION

BY MR. SATKIN: (Continued)

Q Do you believe that the Bible is the inspired work of today?

A Absolutely.

Q Do you read the Bible?

A Yes.

Q How often?

A Daily.

Q Do you try to live by it?

A Yes.

Q In what ways do you outwardly observe your religious beliefs?

A In every way, I try. I live what I feel to be God's will to live which is revealed to me through the Scriptures and teaching.

Q For example, do your meals -- do you celebrate the Sabbath?

A We celebrate Shabbot. We celebrate most of the Jewish holidays, feasts, festivals.

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Q Did you always have this belief?

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A You lost me.

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Q Getting back to the belief that you are basing your refusal to comply with the Department of Social Security demands on, to get Social Security numbers, did you always have this belief based on Revelation and other scripture?

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A No, I did not.

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Q Share with the Court how you came to this belief. When did it begin?

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A When I was in the Pentecostal Church it was just something that everybody knew; that an anti-Christ would come -- the Beast, they call him -- the Beast would come and then in going to St. John's I had attended certain Bible studies and one of them was on Revelation and again, the anti-Christ was talked about and the power he will have over people's lives through the use of the numbers and again, a couple of years later, at a service, the anti-Christ and the same things were mentioned.

20

21

I had discussions with many other Christians and Jews and it is just a very definite thing in my mind now.

22

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Q Are there any particular individuals who have discussed with you or lead you on to this belief or who you trust can give you some insight into Scripture?

A Yes, there are. Pastor Jack Hickman.

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Q Can you explain your relationship with Mr. Pastor Jack Hickman.

4

A He is my Pastor and teacher.

5

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Q Have you had formal Bible studies or anything pertaining to Bible studies?

7

A Yes, I have.

8

9

Q Explain how you have been through these particular studies, briefly, please.

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A Briefly, I have done -- I have gone to studies concerning the Book of Matthew, Corinthians, study on my own, the Book of Peter, the Book of Revelation and taken a long study on old testament, just plain old testament in depth and I was attending Metropolitan Bible School until I was sick and could not continue and that was on Advanced Old Testament.

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I have taken quite a few more but it is hard to --

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Q Are there any others you wish to bring out to the Court?

A Child rearing courses.

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Q Are these child rearing courses biblically related?

A Yes, they are.

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Q Did you attend them regularly?

A It was a short course. We attended the whole

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course. We finished the course.

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Q Is there any other informal training besides Bible studies that have helped you form the basis of your belief?

6

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A My own searching and my own getting answers, I feel.

8

9

Q When you say "searching," you mean talking to friends and praying?

10

11

A All of that; reading the Scripture, elaborating on Scripture.

12

13

Q Have you and your husband discussed the basis of your belief?

14

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A Yes, we have.

16

Q You previously told people this summer at the fair hearing about the meaning of numbers in general.

17

The examination of you centered around --

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MS. SCANNELL: Objection, your Honor. Leading.

19

THE COURT: Sustained.

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21

Q Do you have any objections to numbers in general?

22

A No, I do not.

23

Q What is it about the Social Security number that makes it unique according to your belief in Revelation?

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A The fact that unlike other numbers you must have it to work, you must have it to cash checks which would then

1
2 lead to buying things -- bank accounts.

3 it is used for identification and without it you
4 would have a pretty hard time functioning in society and I
5 think that is a pretty good description of the numbers the
6 anti-Christ will use..

7 Q Because of the power behind it, are you
8 saying --

9 A Yes, the power behind it; the power it holds
10 over you in life to control human life.

11 Q If it were to occur that this Court did not
12 find in your favor and the Department of Social Services
13 terminated your home relief benefits, would you avoid this
14 by obtaining Social Security numbers for your children?

15 A No.

16 Q You would forego public assistance rather than
17 obtain the numbers for your children?

18 A That is correct.

19 MR. SATKIN: No further questions.

20 THE COURT: Will a copy be ordered of the
21 record? Is the State ordering a copy?

22 MS. SCANNELL: You mean the fair hearing?

23 THE COURT: No, of this transcript.

24 MS. SCANNELL: I don't know yet, your Honor.
25 We probably will.

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2 THE COURT: Well, I think you had better because
3 I won't be prepared to make a decision.

4 It is an extremely --

5 MS. SCANNELL: Can plaintiffs order it?

6 THE COURT: Somebody has to order it. I think
7 the State or Federal government can afford it better.
8 I don't care who orders it but arrange to order it
9 so I can get a copy.

10 I find that the case is going to be a very
11 difficult one after hearing the direct testimony.

12 There is a substantial constitutional issue
13 raised here.

14 I have no doubt about the sincerity of the
15 plaintiff.

16 CROSS-EXAMINATION

17 BY MS. SCANNELL:

18 Q In 1972, did you make an application to the
19 Social Services Department for aid for yourself and your
20 children based on the fact that your husband had deserted
21 the home?

22 MR. MC EVILY: Objection. Irrelevant.

23 THE COURT: Overruled.

24 A I don't recall dates that fantastically.

25 Q At any time then?

A Yes.

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Q And did you receive assistance at that time?

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A Yes.

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Q And subsequent to that?

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A Yes.

6

Q Did there come a time when you and your husband failed to report an income tax return?

8

A Yes.

9

Q And did you receive a fair hearing on that?

10

A Yes, we did.

11

Q And can you tell the Court the result of the fair hearing, the decision of the fair hearing?

13

A We were terminated.

14

Q You were terminated?

15

A Yes.

16

Q And did the decision of the fair hearing find that you willfully and knowingly did not report the income tax return?

19

A No, I don't think it found that.

20

Q If I showed you the decision of the fair hearing, would that refresh your recollection?

22

A Probably.

23

MR. MC EVILY: The plaintiff's counsel requests a copy of that decision.

24

25

THE COURT: It is in evidence. You can look

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1
2 at it.

3 MR. MCEVILY: May we look at it before it is
4 shown to the witness, your Honor?

5 THE COURT: Certainly.

6 How much was involved? How much did you fail
7 to tell them about? What was the refund?

8 THE WITNESS: Two small checks. I don't know
9 the exact amount.

10 THE COURT: About.

11 THE WITNESS: Maybe 200.

12 Q 200 each?

13 A No.

14 THE COURT: 200 total?

15 THE WITNESS: Yes.

16 THE COURT: What were you getting in welfare
17 benefits per month?

18 THE WITNESS: \$137.

19 THE COURT: A month?

20 THE WITNESS: Yes.

21 THE COURT: And as a result of all this, how
22 many months was it that you didn't get welfare benefits?

23 THE WITNESS: I think, 4.

24 THE COURT: 4 months?

25 THE WITNESS: 4, yes.

1
2 THE COURT: So, that's about \$500.

3 THE WITNESS: Yes.

4 CROSS-EXAMINATION

5 BY MS. SCANNELL: (Continued) -

6 Q I show you, Mrs. Stevens, Defendant's Exhibit
7 H.

8 Do you see here where it says: Willfully failed to
9 report receipt of above income tax as income and verify its
10 amount to the agency -- does that refresh your recollection?

11 A That's what the sentence says but I'd have to
12 read it in context.

13 Q Why don't you just read the paragraph then.

14 MR. MC EVILY: I object.

15 Counsel is requesting the witness to take on
16 the conclusions of a hearing examiner as her own
17 conclusions.

18 MS. SCANNELL: She received the decision. I
19 want to know if she remembers the fact finding of the
20 fair hearing.

21 THE COURT: It is appropriate cross-examination
22 on credibility, the credibility of the witness. The
23 witness's bona fide belief may be critical.

24 (Pause.)

25 A Yes, reading it in context it is a bit different

1
2 than it was presented to be.

3 Q What do you mean?

4 Did you receive the decision of the fair hearing?

5 A I don't know whether I received one of these or
6 my lawyer. I might have.

7 Q Do you recall reading the decision of the fair
8 hearing prior to this?

9 A I don't believe I did. I might have but I don't
10 believe I did though.

11 Q Do you have a Social Security number?

12 A Yes.

13 Q How long have you had that number?

14 A Since I was about 14.

15 Q And you gave your Social Security number to get
16 aid?

17 A Right.

18 Q Now, do you feel doomed in the eyes of God?

19 A That's a question I cannot answer.

20 Q Why can't you answer it?

21 A Because I am not God.

22 Q I didn't ask you what God felt. I asked if you
23 felt doomed in the eyes of God.

24 A Oh, do I feel doomed? Possibly.

25 Q I asked yes or no --

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2 MR. MC EVILY: The witness answered.

3 MS. SCANNELL: The witness said, "Possibly."

4 THE WITNESS: That's my answer.

5 Q Do you feel it is wrong for you to have a
6 Social Security number?

7 A Now I feel it is, yes.

8 Q Do you feel it is wrong for your husband to
9 have a Social Security number?

10 A Yes.

11 Q Yet, you obtained public assistance --right --
12 from the Government and you have been --

13 A Yes --

14 Q (Continuing) -- subsequent to, I believe you
15 said it's approximately around 1969 that you accepted the
16 religion?

17 A Yes. It would be in December of 1969 or 1970.

18 Q But subsequent to this time you have, on various
19 occasions, given the department your Social Security number
20 for the purpose of getting state aid?

21 A Once you have a number you have a number.

22 Q Well, Mrs. Stevens, have you ever attempted to
23 withdraw from Social Security?

24 A I have a number already. There would be no
25 point.--

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Q Have you ever attempted to withdraw from Social Security?

A No.

Q Don't you think it might be better to withdraw from Social Security and get rid of the number and not have public assistance?

THE COURT: You cannot get rid of your number once you have it.

MS. SCANNELL: You certainly can.

THE COURT: Show me a citation.

MS. SCANNELL: The pastor of the church stated at a hearing that there were members who attempted and in fact the pastor himself succeeded in doing just that.

MR. MC EVILY: That's an incorrect interpretation of the record.

THE COURT: You cannot withdraw from Social Security. Once you get into those computers, you're in.

MR. MC EVILY: The transcript demonstrates that other members have attempted unsuccessfully.

THE COURT: You cannot.

There are payments in that cannot be withdrawn. You cannot change history.

MS. SCANNELL: I'll put the transcript in.

THE COURT: I don't care what the transcript says.

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2 Show me a regulation or statute.

3 I am going to take judicial notice of the fact
4 that you cannot withdraw unless you show me something.
5 These are statutes that require payments be made when
6 people are employed and the employee and the employer
7 have no option and it is a criminal matter not to get
8 the Social Security number and make the payments.

9 I don't care what happened to the pastor. I only
10 know I prosecute people criminally when payments are
11 not made. They have no option.

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13 (Continued next page.)
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2 CROSS-EXAMINATION

3 BY MS. SCANNELL CONTINUING:

4 Q Do you feel the Social Security number is evil?

5 A Not the number.

6 Q The idea of Social Security?

7 A The system, yes.

8 Q So in other words, you don't think the number,
9 the Social Security number in and of itself is evil; right?

10 A If I put a number on here that is not evil.
11 But if I attach something to it it can become evil.

12 Q Do you think your Social Security number is
13 evil?

14 A I think it can be used for the gain of evil.

15 Q Do you thin it can be used for the gain of good?

16 A I guess so. There's good and bad in everything.

17 Q Do you think the fact that it is used for you
18 to get public assistance, do you think that would be used
19 for good?

20 A I can't answer that. I don't know what they
21 use it for.

22 Q Let me phrase it differently.

23 If this Social Security number is used in order
24 for you to get -- and the fact that you gave in the Social
25 Security number helps you get public assistance, do you think

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that is not evil and is rather good --

MR. McEVILY: Objection.

THE COURT: In order to elucidate the Plaintiff's position you may inquire but I don't think you will get far having a theological discussion with the witness.

MS. SCANNELL: I will try.

Q Do you think the use of your Social Security number in helping you get State aid, do you think that use is good?

A No.

Q Why do you use it if it is not for a good purpose?

A Because I had it at the time they required it.

Q But once you have it why use it for a purpose you believe is not good?

A I am not saying that the purpose is totally not good. I said, there is good and bad in everything.

Q So, you don't think it is totally not good?

A Nothing is totally not good.

Q Ms. Stevens, if you are using a number -- would you use your Social Security number for a bad purpose?

THE COURT: Sustained.

You are not going to get any place arguing

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2 theology.

3 The nature of many religious beliefs is not
4 logical and may be irrational by your standards.

5 MS. SCANNELL: If she believes it is a good
6 purpose to use it to get aid --

7 THE COURT: It makes no difference.

8 I won't get involved in the rationality of
9 religious beliefs -- whether there is a God or a
10 Virgin Mary --

11 MS. SCANNELL: I don't think we can take
12 judicial notice of the fact that their beliefs are
13 what they say they are or bona fide --

14 THE COURT: That's true. That you can
15 inquire into.

16 This is a Federal Court and the First Amend-
17 ment states that one cannot go too deeply into one's
18 beliefs. That's the difficulty of the case. Once
19 the State inquires too deeply into a person's reli-
20 gious beliefs there is a Constitutional Amendment
21 that is violated.

22 MS. SCANNELL: In Wisconsin v. Yoder the
23 Court makes the distinction between a religious be-
24 lief as opposed to a personal, philosophical belief.

25 THE COURT: Are you suggesting that she does

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2 not really believe in the exhibits?

3 MS. SCANNELL: I am not suggesting anything.
4 I am trying to find out.

5 THE COURT: You may make such inquiry as to
6 her sincerity.

7 Q Do you have a driver's license?

8 A Yes.

9 Q Does that have a number?

10 A Yes.

11 Q Do you drive a car?

12 A Yes.

13 Q Does your car have a license plate?

14 A I don't have a car.

15 Q Do you have a telephone?

16 MR. McEVILY: Objection.

17 THE COURT: I think it is part of proper
18 inquiry but I don't think it is going to get us
19 very far because as I say, religious people don't
20 have to show their rationality by any courtroom
21 standards.

22 MS. SCANNELL: Just let me follow my line
23 of questioning.

24 THE COURT: You can make a record, certainly.

25 Q Do you have a telephone number?

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A Yes.

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Q Do you have a bank account?

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A No.

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Q You live in a home, I believe?

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A We rent a home.

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Q Does that home have an address?

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A Yes.

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Q Does it have numbers in it?

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A Yes.

11

Q On your children's birth certificates did you

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notice there was a number on each child's birth certificate?

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A I never noticed that.

14

Q Can you explain to me why it is just the Social

15

Security numbering system that you believe is evil?

16

A Well, as I said before, an address does not

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determine whether a person eats or sleeps and cannot control

18

his life. Nor can a license or phone number or any of the

19

other things that you brought up. A Social Security number

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can and I think this case proves that.

21

Q That it can rule your life?

22

A That it can control whether you have the right

23

to live, eat.

24

Q But yet you use it, you use your Social Security

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number?

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A Because I already have it.

3

Q Now, I am looking at the copy of Plaintiff's

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article on the Gospel Tract Society, Inc. Are you familiar
5 with this article?

6

A Yes.

7

Q Do you believe the anti-Christ beast will come

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down through the Government?

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A Yes.

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Q Through the Government?

11

A Yes.

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Q Do you believe that the Rockerfellers, as they

13

claim in this article, and the President are attempting to

14

make a one world dictatorship?

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MR. McEVILY: Objection. It is a complex

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question.

17

Q In this article, which is one of the exhibits,

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it says --

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MS. SCANNELL: If I may read a sentence to

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the witness --

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Q (continuing) "Just 25 years ago the United States

22

was the strongest nation on earth economically by there are

23

zealots in this country and other countries including the

24

Rockefellers and their Counsel on Foreign Relations that would

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like to place all nations under a one world Government. This

1 would place all the finances and economic policies of the
2 United States under the control of the International Monetary
3 Fund and the World Bank. They are already far advanced with
4 this plan."
5

6 Do you believe that?

7 A I believe it is possible.

8 Q Do you believe they have made this plan?

9 A I believe it is possible. I don't know. I
10 haven't seen the plan.

11 Q You haven't seen the plan?

12 A No.

13 Q Do you believe that they are attempting to make
14 a one world government?

15 A I believe the word of God will happen.

16 Q And do you believe that members of the Govern-
17 ment are attempting to do this now?

18 A Probably.

19 Q Do you think they are using Social Security as
20 a means to do this?

21 A Possibly.

22 Q For this one world government?

23 A Yes.

24 Q And you believe that is evil?

25 A In that purpose, yes.

1
2 Q Do you believe that it is wrong to take money
3 from the Government?

4 A No.

5 Q You think it is proper?

6 A Not to take, but if you are given, to accept.

7 Q Do you believe it is wrong to demand?

8 A Not if you are entitled to it.

9 Q What do you think entitled you to money from
10 the Government.

11 A The fact that we have a Constitution of the
12 United States.

13 Q And what particularly in the Constitution do
14 you think entitles you --

15 MR. McEVILY: Your Honor, this is calling
16 for legal expertise.

17 MS. SCANNELL: They are seeking to demand
18 that the Department of Social Services give them
19 money --

20 THE COURT: Objection sustained.

21 I don't want to get involved with this.

22 Bring your examination to a close.

23 Q Are you familiar with the section of the Bible
24 that says: Render to Caesar what is Caesar's and to God what
25 is God's?

A Yes, I am.

Q Do you believe in that section of the Bible?

A Yes.

MS. SCANNELL: I have no further questions.

THE COURT: Does the County of Suffolk wish
to add to the cross-examination?

MR. CAMPO: I have one question.

THE CLERK: Defendant's Exhibit F-1 and 2
marked in evidence.

(So marked.)

CROSS-EXAMINATION

BY MR. CAMPO:

Q Ms. Stevens, if your perserverance in your
religious beliefs meant you would lose your children for
neglect in the Family Court would you still persist in not
getting numbers for your children?

MR. McEVILY: Objection. It is a hypothetical
that cannot ever flow from the facts in this case.

MR. CAMPO: I have to disagree.

THE COURT: You may proceed.

MR. CAMPO: I want to explain to the witness
and make sure she understands my question before she
answers.

Q The Family Court Act of the State of New York

Int

1
2 has certain provisions in it which permit the Department of
3 Social Services to bring a proceeding against you and
4 Mr. Stevens charging you with neglect on the ground that in
5 this case monies can be made available to you to support your
6 children and you are in effect refusing them because of your
7 refusal to apply for Social Security numbers.

8 If it meant that you would lose your children
9 and they would go into foster care by Order of the Family
10 Court would you still persist in refusing to get numbers for
11 your children?

12 A I would have to pray about that. I don't know;
13 I don't think I would give them the numbers.

14 Q You would be willing to give up your children
15 then?

16 A I didn't say that. I said I don't think I
17 would give them numbers.

18 THE COURT: Thank you very much.

19 Does the United States wish to ask any ques-
20 tions?

21 MR. SCLAFANI: I would like to ask a few.

22 THE COURT: We will be very happy to hear
23 you.

24 (Continued next page.)
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CROSS-EXAMINATION

BY MR. SCLAFANI:

Q Mrs. Stevens, you indicated that you objected to Social Security numbers in particular as opposed to other numbers and you thought that numbers per se were not evil; is that correct?

A Yes.

Q And you said that the basis for your understanding that Social Security numbers were evil were that you -- they controlled your life.

A Yes, they control a good part of your goings and comings and what you can and cannot do.

Q Could you explain in more particular terms what aspects of your life are controlled by Social Security numbers?

A I think I did that.

Q You said that you needed them for identification; is that correct?

A That's one of the things.

Q And you needed them to cash checks?

A That was another.

Q Would you consider those major reasons why they are evil?

A I said the cashing of the check would then lead to the buying of food. It's a domino process.

Q If you couldn't use a Social Security number

1
2 for that reason, would you feel that it would not be evil --
3 if that was not a purpose for the Social Security number would
4 that make the number less evil?

5 A I don't think so because it is still the Social
6 Security number.

7 Q If I told you that as a matter of law Social
8 Security numbers or cards are not to be used for identification
9 or the cashing of checks, would that change your attitude as
10 to Social Security numbers?

11 MR. MC EVILY: But they are used for identifica-
12 tion.

13 MR. SCLAFANI: If so, it is incorrect.

14 Q Mrs. Stevens, the card says on its face they
15 are not to be used for identification or cashing checks --
16 I don't know about cashing checks --

17 A If not used for identification, then why does
18 the Department of Social Services want them?

19 Q They are used to keep track of people.

20 If I told you they were used because many people have
21 similar names but only one number but they were not used --
22 in other words, they are not the determining factor as to
23 whether or not you got your aid but were only used as a source
24 to distinguish you from somebody else for the agency and
25 nobody else, would that change your attitude as to the good or

1
2 evil of the number?

3 A I think I'd have to question what identification
4 means. I think you are saying the same thing but using
5 different words.

6 Q Let's see if I can explain.

7 You said an address, for example, wasn't evil because
8 you didn't need it to eat or sleep, it just separated your
9 house from another house --

10 A Yes.

11 Q (Continuing) -- so the postman could deliver
12 mail there.

13 A Yes.

14 Q And you said that as to a driver's license, you
15 didn't consider that evil because it only distinguishes your
16 license from somebody else's so if the policeman gave you a
17 ticket or your car was stolen you could identify it -- you
18 could say this green Chevrolet is different than mine because
19 they have different license plate numbers on them but those
20 numbers don't control your life.

21 A That is correct.

22 Q If I told you that the Social Security number
23 issued to your children for purposes of whether or not you
24 should get benefits were issued only for the purpose of
25 distinguishing your Jeremy or Christian Stevens from another --

1
2 or Donna Stevens from another Donna Stevens, but were not
3 the source of the money, would that make the number evil?

4 MR. MC EVILY: Objection. I don't understand
5 the question.

6 THE COURT: Do you understand the question?

7 THE WITNESS: I think he is talking in circles.
8 No, I don't.

9 THE COURT: Rephrase it.

10 Q Let me try a different line of approach.
11 Do you understand what the purpose of the Social
12 Security number is?

13 A It has many purposes.

14 Q With regard to Social Services -- do you know
15 what Social Services does with the number?

16 A No, I don't.

17 Q And you still object.

18 You also said that the number, per se, wasn't evil
19 but the use of the number.

20 A Exactly.

21 Q But you don't know what Social Security uses
22 the number for?

23 A No.

24 Q Then why do you say it is evil?

25 A I know what they say they use it for but I

///

1
2 don't know what they use it for.

3 Q What do they say they use it for?

4 A Identification, exactly what they are not
5 supposed to use it for.

6 Q Don't you think an address is a source of
7 identification or the number of a license plate?

8 A No. You can live in 10 different places in
9 10 days. It is not relevant, I don't think.

10 Q What about a license?

11 A You can go to work without a license. My
12 husband has for many years, and you can cash checks.

13 Q But your children --

14 A Then, you can obtain welfare without a license.

15 Q But you can't drive a car?

16 A That's right.

17 Q You're saying you can't drive a car without a
18 license. Isn't that controlling your life?

19 A To a degree, a much lesser degree.

20 Q To recap, you still maintain the position that
21 you don't know what the Social Security number is used for?

22 A I said, I don't know exactly what anybody does
23 with the Social Security number. I know what they say they
24 do with it.

25 Q It's the identification factor of the use of

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1
2 Social Security numbers that is objectionable to you and
3 your religious belief; is that correct?

4 MR. MC EVILY: I have to object.

5 THE COURT: Sustained.

6 Q Specifically, which of the many uses that you
7 understand Social Security numbers to be used for by the
8 Bureau of Social Services do you object to?

9 A I object to the number itself.

10 Q But you told me earlier that you didn't object
11 to the number itself but the use --

12 A I am speaking of the use and power that number
13 holds.

14 Q Now you are saying you object to the use of
15 the number --

16 A There are many uses.

17 Q Which ones do you object to?

18 A I have to see them all on a list in order to
19 give you an answer.

20 Q You say you don't even know what they are
21 used for?

22 A No. I said I don't know what the Department
23 of Social Services use them for.

24 Q But they are using it and no one else in this
25 instance.

1
2 You are objecting to getting a number from the
3 Department of Social Services and not in general?

4 A You lost me.

5 Q You object to providing the Department of
6 Social Services with a number because you say it will be
7 used for an evil purpose or it is against your religion
8 because it will be used for an evil purpose?

9 A Yes, because I believe it will control my
10 children's lives as it now controls my husband's life and
11 my life.

12 Q But you say the number itself isn't evil but
13 the use of the number?

14 A I said a number.

15 Q A number in a particular circumstance will or
16 will not be evil depending on how it is used -- I'm trying
17 to ask you what it is about the use of the Social Security
18 number, which use of the Social Security number is
19 objectionable to you in your religious beliefs --

20 MR. MC EVILY: I am going to object again,
21 your Honor.

22 THE COURT: If you can answer, do so.

23 A Are you asking the same question you asked me
24 twice?

25 Q Yes, but --

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MR. SCLAFANI: Perhaps if I can explain to
the Court --

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THE COURT: Not me. Ask a question the witness
can understand.

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Q I am asking you simply, there are 8 or 12
digit numbers -- there are 9 numbers on a Social Security
card, 9 individual numbers and each of those numbers them-
selves are not objectionable and the conglomeration of
numbers are not objectionable?

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11

A I never said that.

12

Q They are all objectionable?

13

A Yes.

14

Q But if those same digits appeared in the exact
same order on a driver's license, they would not be
objectionable?

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17

A They are used for different purposes.

18

Q I'm not asking about the use but the number.
You have to answer the way I ask the question.

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The number appearing on any given piece of paper or
slate, is that number objectionable to you?

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A You mean, like a number on a piece of paper?

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Q Yes.

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A That is not objectionable to me.

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Q If I give you a card with any 9 numbers on it,

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is that objectionable to you?

A No.

Q If that card has Social Security on it --

A That's objectionable because it has powers.

Q You're saying the number itself has powers?

A Yes.

Q And not the use of the numbers?

A I am saying both. You cannot have one without the other.

THE COURT: As I understand it, it is her contention that it is in the context of the whole working system that this has power.

Is that right?

THE WITNESS: Yes.

THE COURT: Anything further?

MR. SCLAFANI: Nothing further.

THE COURT: Any redirect?

MR. MC EVILY: Yes.

THE COURT: Be brief, now.

REDIRECT EXAMINATION

BY MR. MC EVILY:

Q Mrs. Stevens, would you again explain to the Court the biblical origin --

THE COURT: No. I don't want any repetition.

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Q With regard to a question you were asked on cross-examination as to a discontinuance resulting from your failure to produce federal income tax returns. Please explain to the Court — do you recall that time?

A The time? You are talking about income tax returns now?

Q Yes.

Do you recall that you received a notice that you would be discontinued for failure to submit a copy of your income tax return?

A Yes.

Q Can you explain to the Court why you did not submit a copy of your income tax return?

A Because every year since the year that we had applied for Social Services, they never asked for it before. It was just always standard procedure that they would pull it out of grant the next time we went to certify. We always told them our tax return and they would then take it out. That's what we did every year. This was something new.

Q Did you have a copy of your income tax return when they first asked you about it?

A No, I did not.

Q Do you recall when the request to submit a copy was made to you?

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A No. I'm not good at dates.

MR. MC EVILY: No further questions.

THE COURT: That will be all.

Thank you, Madam.

Next witness.

MR. MC EVILY: One second, your Honor.

MR. SCLAPANI: At this time, I would like to
make an application to intervene on behalf of the
United States of America and the Secretary of Health,
Education and Welfare.

THE COURT: Motion granted.

We will take a brief recess.

(Recess taken.)

Continued next page.)

(After Recess.)

MR. McEVILY: The Plaintiff calls Pastor
Jack Hickman.

P A S T O R J A C K H I C K M A N , having first been
sworn by the Clerk of the Court took the witness
stand and testified as follows:

THE CLERK: State your name and spell it,
please.

THE WITNESS: Jack Hickman, H-i-c-k-m-a-n.

THE COURT: Hickman?

THE WITNESS: Yes.

DIRECT EXAMINATION

BY MR. McEVILY:

Q Pastor Hickman, could you tell the Court very
briefly about your education and background.

A I graduated Bob Jones University. I went to
graduate school at Portland State University and then attended
Lutheran Theological Seminary, St. Paul, Minnesota.

Q Were you ordained as a Lutheran?

A Yes, in the Spring of 1959.

Q What is your current position?

A I am Pastor of St. John's Lutheran Church,
North Massapequa, New York.

Q In that capacity are you familiar with the

1
2 plaintiffs in this action?

3 A Yes.

4 Q Explain the relationship between you and the
5 plaintiffs in this action.

6 A Well, Virginia is a member of the congregation.
7 I guess I have known her six or seven years. She has been
8 around that long a period of time.

9 Q During the course of your relationship with her
10 have you had occasion to learn and discuss the beliefs which
11 form the basis of this particular action?

12 A Not until the problem arose. I cannot say
13 there was a lot of discussion or any discussion prior to that
14 time.

15 Q Could you please tell the Court what if any
16 participation you have had with regard to the formation of
17 these beliefs?

18 A Most likely it would be entirely in Bible studies
19 or sermons.

20 Q Do you have any recollection as to what point
21 in time the plaintiff, Virginia Stevens, first began to
22 attend Bible studies with you?

23 A That would be about the time she started coming
24 around which was six or seven years ago.

25 Q Are you saying that would have been 1969?

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A Approximately, yes.

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Q Do both of the plaintiffs currently attend

4

services at St. John's?

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A Yes.

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Q And how long, if you know, have they regularly

7

attended services there?

8

A Virginia has attended services regularly for

9

all that time, six or seven years. David, for several.

10

Q Specifically, with regard to the Book of

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Revelation, is there a connection, to your knowledge, theolog-

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ically, between the anti-Christ and a political system or a

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political figure?

14

A Yes. I believe there is, yes. Of course, it

15

is one line of interpretation.

16

Q Do you know of any other Christian Faiths that

17

share these interpretations?

18

A There are many, many Christians who believe in

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this from various denominations. The view, is really, I think,

20

a very, very old one. I am not referring to the use of

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numbers now necessarily because numbers are a modern problem,

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not an old problem, but in relation to the anti-Christ as a

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political figure and an individual, yes, there were church

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followers who believed that and I guess there has always been

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Christians who believed that.

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2 It is not an unusual thing to find a large number
3 of Christians in the modern neo-Biblical movement who believe
4 that.

5 As far as denominations themselves setting that
6 forth as a doctrine, I don't believe there are many denomina-
7 tions that deal with that doctrine. Consequently, there are
8 believers scattered throughout many different denominations.

9 Q What is your familiarity with regard to sectarian
10 interpretations regarding the Book of Revelation, Chapter 13
11 in relation to numbers.

12 A The use of numbers there is connected with the
13 number of the beast is 666.

14 Q What is the beast?

15 A The beast is the anti-Christ and the identifi-
16 cation is made complete by the acceptance of the system which
17 he represents.

18 Now, it is a lot complex than that but actually
19 it is an ethical problem because we have the tension between
20 Romans Chapter 13 where we are called upon to be obedient to
21 the powers of the state and Revelation Chapter 13 where we
22 are called upon to rebel against the state if the state itself
23 takes on the attributes or the work of God.

24 Q Is there any doctrine of the American Lutheran
25 Church -- your church is affiliated with the American Luthern

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2 Synod?

3 A Yes.

4 Q Is there any reference as to whether the Bible
5 is the inspired word of God?

6 A May I read this? I don't have the pages to
7 submit --

8 THE COURT: Yes, but have copies made.
9 Xerox the relevant portion.

10 MR. McEVILY: We will do that, your Honor.

11 A (continuing) Chapter 3. Confession of Faith:
12 Article 3.10.

13 "The American Lutheran Church accepts all the
14 canonical books of the Old and New Testaments as a whole, and
15 in all their parts as the divinely inspired, revealed, and
16 inerrant Word of God, and submits to this as the only infalli-
17 ble authority in all matters of faith and life."

18 There is no specific doctrine concerning the
19 anti-Christ or anything except for a brief statement in the
20 Augsburg Confession which does not relate to this case at
21 all.

22 Q What was the work you were just reading from?

23 A The Handbook of the American Lutheran Church.

24 Q Were you just reading from the Constitution of
25 the American Lutheran Church?

1
2 A Yes.

3 Q Pastor, you came up at a fair hearing sometime
4 ago and you appeared and shared some of your observations with
5 the examiner for the Department of Social Services. You were
6 not under oath --

7 THE COURT: We have a record of that.

8 MR. McEVILY: It has not been introduced.

9 THE COURT: I thought it had.

10 THE CLERK: It has been.

11 THE COURT: It has.

12 MR. McEVILY: The record of this fair hearing?

13 MS. SCANNELL: I introduced it earlier.

14 THE COURT: I don't want any repetition.

15 Q At that time you were asked whether or not you
16 yourself possessed a Social Security number. Do you, sir?

17 A No.

18 Q Is part of the reason you do not religiously
19 based?

20 A Yes, partially.

21 Q You observed the plaintiffs for a number of
22 years as their pastor. Have you reached any conclusion with
23 regard as to whether or not their beliefs are sincere?

24 A Yes. I believe their beliefs are sincere and
25 I don't believe they would have gone through all this if they

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1
2 were not.

3 Q Have you reached a conclusion as to whether or
4 not the plaintiffs beliefs are religiously based?

5 A They are.

6 Q Have they shared any information with you for
7 you to reach a conclusion that there was any secular for these
8 beliefs?

9 A I have no reason to believe that, no.

10 MR. McEVILY: Nothing further.

11 THE COURT: Good direct examination, brief
12 and succinct.

13 MR. McEVILY: Thank you.

14 Your Honor, the witness advised me he is in
15 a substantial rush.

16 THE COURT: Let's see if we can make the
17 cross as effective.

18 MS. SCANNELL: I'll try, your Honor.

19 CROSS-EXAMINATION

20 BY MS. SCANNELL:

21 Q Pastor, you said that the problem -- that the
22 anti-Christ beast was an old problem and the problem of numbers
23 was a modern problem. Would you explain what you mean by
24 that?

25 A Well first, when the church facilities were

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1
2 dealing with the problem of the anti-Christ they dealt with
3 it in terms of their own day. They were living in the Roman
4 Empire. So the terminology, the thinking would be directed
5 in terms of exchatology, directed toward the eschatological.

6 Anyway, if it is going to be relevant it has
7 to apply to the circumstances of the time.

8 Now, in our time, of course, numbers are relevant.
9 The whole case, I think, made it clear.

10 Q How are numbers relevant?

11 A Numbers are relevant in terms of authority not
12 only in our relation to our authority and to systems but also
13 in relation of authority to us.

14 Q What type of authority -- Governmental author-
15 ity?

16 A Yes.

17 Q And how does the problem with Governmental
18 authority relate in the Bible to anti-Christ beast?

19 A Well, any Governmental authority can be a
20 problem.

21 The Governmental authority in Israel itself
22 was a problem --

23 THE COURT: The Governmental authority --

24 THE WITNESS: In Israel in the Old Testa-

25 ment --

1 Q But today.

2 A I am just giving background.

3 The Government can take the place of God. I
4 have seen it happen in my lifetime, maybe not yours, but
5 mine. It has happened in this world and I don't think the
6 people could have stopped it. Perhaps they could have, I
7 don't know.

8 Q Do you think the Government here, our Govern-
9 ment, is taking the place of God?

10 A I think it could. I hope it hasn't. I don't
11 believe it has but I believe it could -- any Government could.

12 Q Do you think the fact that the Government now
13 gives aid to needy people, do you think that represents the
14 increased power of Government?

15 A Yes, I do.

16 Q You stated that you don't have a Social Security
17 number.

18 A Yes.

19 Q Now, if my reading of the minutes was correct,
20 isn't it true you once had?

21 A When I was a kid working the berry fields, yes,
22 I had to get one which for some reason or other I never used
23 after that except personally.

24 Therefore, I worked -- it was a matter of -- when
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2 I was going to school I worked in the fields. They simply
3 knew the number from when I was a little child and turned the
4 money in, I guess.

5 Now, at the time I entered the ministry, clergy-
6 ment were not required to be a part of the Social Security
7 System.

8 Then the law was changed but we had the option
9 to make application to not be a part of the Social Security
10 System.

11 What I got back was a whole bunch of papers
12 which said I was no longer under Social Security and I had
13 no longer to use the number.

14 THE COURT: Don't you get paid by the Church?

15 THE WITNESS: Yes.

16 THE COURT: Don't you have to fill out the
17 number at the top of your income tax return?

18 THE WITNESS: No. There is a W something
19 that I put down, something which explains I am
20 not under Social Security.

21 THE COURT: And members of the clergy can
22 elect not to be?

23 THE WITNESS: Yes.

24 THE COURT: Was that due to religious objec-
25 tions?

THE WITNESS: Yes.

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2 THE COURT: Any history? What is the
3 statutory history with regard to the fact that
4 members of the clergy can elect to get out of the
5 system?

6 You had better research it. There may be
7 important debates indicating that Congress recognized
8 this as a theological problem. Apparently, from what
9 the witness says, that is so.

10 I think it is a critical part of the case.
11 You had better get right to work on that.

12 When was that adopted?

13 THE WITNESS: I don't remember the year. It
14 was the year it was made mandatory. Clergy wasn't
15 under Social Security until that time and it took
16 9 months to get the forms back.

17 THE COURT: We certainly can get help on that
18 from the United States Government. There may be
19 very important legislative history here critical to
20 the case.

21 THE WITNESS: I was told that laymen could
22 not get this. I don't know if that is true or not.

23 CROSS-EXAMINATION

24 BY MS. SCANNELL: (Continued)

25 Q You said that your reason for getting rid of

1
2 your Social Security was partially religious. Would you
3 explain what the other part of the reason was.

4 A I would say political -- I am not a political
5 radical but I would say, political reasons.

6 I feel that if I had the opportunity to have a re-
7 lationship with a government, which is minus certain legalistic
8 requirements, I will have that because I feel politically
9 this is important.

10 Q Could you explain to me your religious reason --

11 THE COURT: I really don't think this is
12 relevant.

13 MS. SCANNELL: I think it is relevant because
14 he is their pastor and testified as to the beliefs
15 of the church and his opinion of the beliefs of the plaintiffs.

16 THE COURT: All right.

17 It is really the plaintiff's religious beliefs
18 and political beliefs, not this witness.

19 MS. SCANNELL: But he is the pastor --

20 THE COURT: All right, but be brief, please.

21 MR. MC EVILY: I also object on the ground--

22 THE COURT: Overruled.

23 THE WITNESS: What am I doing?

24 THE COURT: Just be brief.

25 Q You can answer.

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2 A I believe that I am better off, personally,
3 without the numbering of Social Security since it was legal
4 for me to escape it.

5 I explained -- when I gave the Bible studies -- I ex-
6 plained that to people -- you know, you can't do this.

7 My reason would be basically, the same, though not
8 for the same reasons.

9 Q What is your basic religious reason?

10 A I don't want to be in a position where I draw
11 from the Government in any way. I don't have to. If I have
12 to serve the Government I will serve the Government.

13 Q So, you believe it is better, under your
14 religion, to not take anything?

15 A Better, yes.

16 Q Do you believe it is evil to take something
17 from the Government?

18 A Not necessarily evil but better not to.

19 Q Better for the Government or better for you?

20 A Better for everybody.

21 Q For the people as a whole?

22 A Yes, but I wouldn't impose that upon the
23 system and say people should not do this or should not do
24 that.

25 Q Isn't it true that you can find a justification

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for almost anything in the Bible?

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A I wouldn't go that far but many things.

4

Q Things that you would consider wrong?

5

A Oh, yes. I have heard people justify a good many things through the Bible.

7

8

Q You also mentioned there was no specific doctrine in your church for the anti-Christ?

9

A Yes.

10

11

Q Do you believe the anti-Christ is represented by Social Security numbers?

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13

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A No. I believe the anti-Christ -- Social Security numbers, since it is the Government, could become a means of controlling, yes.

15

16

Q What type of means -- a means of Governmental control?

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A Yes.

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Q Do you believe, then, that the anti-Christ is represented by Governmental control?

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A I believe the anti-Christ must rise from Government.

22

Q Must rise from Government?

23

A Yes.

24

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Q Do you believe that it is rising from this present Government?

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A I don't know.

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Again, I have to repeat myself: That can happen at any time within a Government.

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6

Q Is it my understanding you believe that Social Security numbers represent the anti-Christ Beast?

7

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MR. MC EVILY: Objection. Asked and answered.

9

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THE COURT: You may answer.

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Don't ask it again, though.

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A The numbers are not the anti-Christ.

15

16

If you are trying to identify that -- the numbers are numbers and I am not the least bit bothered by numbers. But, the numbering itself is a problem.

17

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Q What is the problem?

19

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A It represents, I believe, a theological problem in that Government must be limited in its control of the person's religious beliefs.

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22

If someone wants to handle snakes and kill themselves, it's a question of moral law which the Government itself did not create.

23

24

When a Government creates laws to make its laws more valid or creates laws which inflict the acceptance of an unjust law upon people then I believe the Government is in trouble with God.

25

Q But how do you think Social Security has done

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that?

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A I believe Social Security has done it or would do it.

5

I believe that Governmental powers would and could use Social Security in that way more easily than other things.

7

Q So, it's not Social Security numbers in and of themselves but more how they might be used?

9

A That's right.

10

Q Do you have any objection to any particular use they have at this time -- Social Security numbers?

12

A I couldn't answer intelligently because I didn't know they were used for this purpose until a matter of months ago.

15

Q Which purpose?

16

A That the children have to be given numbers.

17

I don't know of what use they are made. I cannot answer you.

19

Q One last question.

20

At the time the Bible was written would you say that the world differed in the sense of population and the complexity of life with the Government and things like that, then it does today?

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23

24

A In terms of technology.

25

Q In terms of numbers or people?

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2 A I am sure in that way.

3 Q Would you say there were a lot less people?

4 A I never read the population statistics.

5 Q You said there was a conflict between Romans
6 and Revelation where it says: Rend unto Caesar what is
7 Caesar's --

8 A Well, in one, we are talking about an
9 abnormal situation.

10 The Government may not feel the situation is abnormal,
11 but we are the people and we may feel it is abnormal.

12 Q What do you think about rendering unto Caesar
13 what is Caesar's and rendering unto God what is God's?

14 A That is fine. It is correct.

15 MS. SCANNELL: No further questions.

16 THE COURT: Does the County of Suffolk wish
17 to enter into a theological discussion?

18 MR. CAMPO: A few brief questions, your Honor.

19 CROSS-EXAMINATION

20 BY MR. CAMPO:

21 Q The plaintiffs spoke to you when the Department
22 of Social Services requested numbers for their children?

23 A No. I didn't know that until after the
24 application.

25 Q I was under the impression they consulted you.

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A No, not prior.

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MR. CAMPO: Then I have no questions, sir.

4

CROSS-EXAMINATION

5

BY MR. SCLAFANI:

6

Q Good-morning.

7

A Good-morning.

8

Q Is it a theological tenet of your religion

9

that people following religion should not have Social

10

Security numbers?

11

A No, no.

12

Q That's not a tenet of your religion?

13

A There is no tenet one way or the other. I

14

thought I answered that --

15

Q Anybody following your religion in your church

16

may have a Social Security number?

17

A If they feel that is what the Scripture allows

18

them to do or they feel they want to do it or they have no

19

conscience about it, then they can do that.

20

Q Does your --

21

A (Continuing) -- I believe everyone does have

22

a Social Security number. I would imagine so. I believe

23

this is a general thing.

24

Q And there is no book or writing or scripture

25

or anything of the like that prohibits any member following

1
2 your religion to have Social Security numbers?

3 A No, no.

4 Q Or to apply for them?

5 A No.

6 Q Do you think that the Social Security Admini-
7 stration is evil -- is it a tenet of your religion that the
8 Social Security Administration is evil?

9 A There is nothing one way or the other.

10 Q Or the State or County?

11 A There is no statement made in doctrine or
12 action that says those things.

13 Q Let's talk about the numbers, specifically.
14 You said that the numbers, per se, were not
15 objectionable.

16 A That is correct.

17 Q But the possibility of their uses are
18 objectionable?

19 A That is correct.

20 Q And you don't know of any specific use at this
21 point in time that is objectionable?

22 A I didn't say that. I hope I didn't say that.
23 There are uses that are objectionable.

24 Q State the grounds -- not your beliefs -- but
25 state the grounds under the teaching of your religion.

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A There is nothing dictorial to our faith --

Q Do you have personal beliefs as to whether
or not the numbers --

MR. MC EVILY: Objection.

Q Does your church or the teachings -- or under
the teachings of your church is it objectionable to be
identified by any number?

A No.

Q Is your church incorporated?

A Yes.

Q And it has gone through the proceedings of
a corporation --, does it have a tax number?

A Yes.

Q That is issued by the United States Government?

A Yes.

Q And the State Government?

A Yes.

MR. SCLAFANI: Thank you very much.

THE COURT: Are addressed as Reverend?

THE WITNESS: Very rarely. Usually, Pastor.

THE COURT: How widespread is this objection
to Social Security numbers, do you know -- in this
country?

THE WITNESS: The fear is --

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2 MR. MC EVILY: Before the witness answers,
3 some of the material I intend to introduce on cross-
4 examination will demonstrate an answer to those
5 questions.

6 THE COURT: But this witness has to leave.
7 I want to ask him a few questions and then let him
8 go, if you don't mind.

9 THE WITNESS: I think the feel of it is
10 widespread, perhaps more so in the last 5 years
11 because of the increased interest among young people
12 in eschatology.

13 As far as actually doing something about it,
14 I doubt there is much done. But I don't know.

15 THE COURT: Have you ever heard of another
16 case like this in religious circles?

17 THE WITNESS: Only among the Amish.

18 THE COURT: They insist upon this?

19 THE WITNESS: They have problems.

20 THE COURT: What is their position?

21 THE WITNESS: I'm not certain. I read it only
22 in periodicals. I don't know what their position is.

23 THE COURT: Does any of this fear of numbers
24 go back to Hitler and the use of numbers on people?

25 THE WITNESS: I think the things that happened

1
2 in Germany have a direct bearing on our fear and the
3 use of numbers, yes.

4 THE COURT: Thank you very much, Pastor.

5 MR. SATKIN: Plaintiff calls David Stevens.

6 THE COURT: He is cumulative. I don't want
7 him.

8 MR. MC EVILY: The plaintiff calls Doctor
9 Elliott.

10 THE COURT: Is he an expert?

11 MR. MC EVILY: Yes.

12 THE COURT: Have you furnished a copy of his
13 credentials to counsel?

14 MR. MC EVILY: Yes.

15 THE COURT: We are going to recess for lunch.
16 (Luncheon recess taken.)
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18 (Continued next page.)
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A F T E R N O O N S E S S I O N

MR. SCLAFANI: We are not ready to begin, are we Judge?

THE COURT: Yes, we are.

MR. SCLAFANI: For the record, I am having a little difficulty getting authority from the agency to intervene.

I have telephone calls made through Washington and I am waiting to hear but in the event that they do not consent then I am not authorized to appear.

THE COURT: I will permit you to withdraw your motion.

MR. SCLAFANI: If you will excuse me, I will continue in my efforts to get permission.

THE COURT: We will proceed without you then.

MS. SCANNELL: Your Honor, may I have just two minutes before we begin?

(Pause.)

THE COURT: Is the state ready to proceed?

MS. SCANNELL: I am ready but Mr. Campo apparently is not back yet.

THE COURT: All right. We will start without him.

Call your witness, please.

McEVILY: The Plaintiff calls Dr. Willis E. Elliott.

DOCTOR WILLIS E. ELLIOTT, having first been duly sworn by the Court took the witness stand and testified as follows:

THE COURT: Spell your name for the reporter, please.

THE WITNESS: Willis E. Elliott, E-l-l-i-o-t-t.

MR. McEVILY: In the interest of economy, I would request the State to stipulate with regard to the educational background of Dr. Elliott and I will read it into the record if your Honor wishes.

THE COURT: Do you have it written out?

MR. McEVILY: Yes.

THE COURT: Mark it in evidence.

MR. McEVILY: Well, your Honor, that would take more time than it would to read it into the record. I have it in part --

THE COURT: All right.

MS. SCANNELL: I will stipulate to background but if he is being called as an expert witness I would like to have a voir dire on his expertise.

THE COURT: All right.

MR. McEVILY: Dr. Elliott has a PhD in Scripture

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from the University of Chicago; a PhD in Theology of Scripture from the Northern Baptist Theological Seminary, Chicago; a ThM or Masters from the Baptist Theological Seminary, Kentucky; a Bachelors Degree from Winona Lake School of Theology, Indiana and --

DIRECT EXAMINATION

BY MR. MCEVILY:

Q Where is your BA from, Doctor?

A Houghton College in New York.

Q Dr. Elliott, what is your present position?

A Dean of Exploratory Programs, New York Theological Seminary, New York City.

Q Are you an ordained minister?

A Yes, 1940, United Church of Christ.

Q Could you give the Court some idea of the two doctoral degrees you have with regard to scripture, specifically what they were in and what they dealt with.

A Yes.

One in Biblical Theology, was on life in the fourth Gospel; a comprehensive, interpretive methodology -- that was in 1943 -- to establish the modes of interpreting scripture.

The term "comprehensive" is important, it seems to me, because there are many ways of interpreting the Bible

1
2 and exploring these ways is important to help people under-
3 stand the Bible.

4 The University of Chicago thesis was a study in
5 early Christian sanctions -- called "sanctions" -- in early
6 Christian leadership and it involved the Book of Revelation.

7 Q Would you state what that means?

8 A Legally, it is negative -- it is the teeth of
9 the law -- but ethically it is the positive and negative
10 range of motivation, promises and threats; rewards and punish-
11 ments.

12 Q Have you ever taught seminary courses regarding
13 scriptural interpretation?

14 A Yes, since 1942.

15 Q Approximately how many courses have you taught?

16 A About 40 meeting with different aspects of
17 interpretation. More than that in toto because many of
18 them I have repeated.

19 Q And you have been teaching consistently since
20 1940?

21 A In 1942 I began teaching in seminaries and
22 then I was a Pastor of a church for 10 years and then I con-
23 tinued to teach and I taught 9,000 pastors of the United
24 Church of Christ and for the last eight years I was here in
25 Manhattan, New York Theological Seminary.



1
2 Q Have you written any articles, books or pamphlets
3 or any other material regarding scriptural interpretation?

4 A Yes, many articles and a book on the Pastoral
5 Letters which is a section of the New Testament, covering
6 this general period which includes the Book of Revelation and
7 that was published by United Church Press in 1969.

8 Q And your duties as a biblical theologian, have
9 they included any consultation roles?

10 A Yes. I have been a consultant to Herman Kahn
11 at the Hudson Institute because I have a concern for the
12 theology of the future and I have been consultant to various
13 church bodies in the field of planning. I helped 7,000
14 churches go through a planning process which involved the
15 interpretation of scripture but included social, economic,
16 and political dimensions.

17 Q Would you advise us of what the Hudson Institute
18 is?

19 THE COURT: I think I know.

20 MR. McEVILY: I move to have Dr. Elliott
21 qualified as an expert with regard to the historical
22 basis of scripture and its current interpretation.

23 THE COURT: Would you like to examine?

24 MS. SCANNELL: Yes.

25 THE COURT: You may.

1
2 VOIR DIRE EXAMINATION

3 BY MS. SCANNELL:

4 Q Morning, Doctor -- good afternoon --

5 A Good afternoon.

6 Q Have you written any articles or books on
7 Chapter 13 of Revelation or of Daniel in particular?8 A I would say probably 10 articles and two books
9 have touched upon those scriptures as could be revealed in
10 the indexes but I have never written a book exclusively on
11 either Daniel or Revelation or the two together.12 Q Have you written any articles or books in rela-
13 tion to Government and the scriptures?14 A Only in the sense that since the Bible is so
15 political you cannot deal honorably and honestly without get-
16 ting into politics but I have never written a book centering
17 on the politics of the Bible.18 Q Or anything in particular, say Social Security
19 numbers?

20 A No.

21 (Conclusion of Voir Dire Examination.)

22 MS. SCANNELL: Could you repeat for me on
23 what basis you are going to say he is an expert?
24 It seemed to be a narrow term.

25 I would object if he is going to be an expert

1
2 on their religion or conscience or as to the
3 religion of Messianic Jews or in relation to
4 St. John's Lutheran Church.

5 If it is just as to the history of the Bible,
6 on that basis, I have no objection.

7 THE COURT: The witness is accepted as an
8 expert on all aspects of religion pursuant to Rule 702
9 of the Federal Rules because he has specialized
10 knowledge which will assist the tryor of the facts
11 to understand the evidence and to determine the facts
12 in issue.

13 He is qualified as an expert by knowledge,
14 experience, training and education and he may
15 therefore testify in the form of an opinion or
16 otherwise and with respect to all aspects relevant
17 to this case.

18 You may proceed.

19 DIRECT EXAMINATION

20 BY MR. MCEVILY CONTINUING:

21 Q Dr. Elliott, does the Book of Revelation --

22 MR. MCEVILY: Withdrawn.

23 Q Could you briefly explain the relationship be-
24 tween the Book of Revelation and the rest of the Bible, both
25 the Old and New Testaments?

1
2 A Yes.

3 The only political book in the whole New Testa-
4 ment of the 27 Books is the Book of Revelation. The other
5 books are all addressed chiefly to personal and church con-
6 cerns. But, the Book of Revelation directly addresses a
7 political reality, namely, that the Christians are under
8 persecution by the Roman Government. I would say that applies
9 to the Old Testament as well.

10 There is no book in the Old Testament so sharply
11 centered on political reality as the last book in the Bible.

12 Q Are you familiar with the historical setting
13 at the time the Book of Revelation was written?

14 THE COURT: Is the Book of Revelation accepted
15 by all sectors of Christianity?

16 THE WITNESS: Yes, it is, your Honor.

17 THE COURT: When was it first accepted?

18 THE WITNESS: It was in and out for about
19 300 years and by the end of the Fourth Century it
20 was back to stay. So, it has been a part of every
21 New Testament since the year about 380.

22 THE COURT: Since about the time the Romans
23 accepted Christianity?

24 THE WITNESS: Not long after, just two
25 generations after that.

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1
2 There were three books that wandered in and out
3 but it finally stuck.

4 The reason it wandered back and forth was that
5 the Church couldn't nail it down for a specific inter-
6 pretation. It is an open book.

7 The situation it addresses is very concrete and
8 precise; namely, Christian persecution. But, the way
9 it addresses the situation is imaginal, artistic and
10 therefore the Church theologians could not derive
11 logically from it.

12 It is addressed to the gut rather than the
13 head.

14 The empire was committing genocide against
15 Christians at the time so it directs people to main-
16 tain their belief and diet.

17 (Continued next page.)
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2 DIRECT EXAMINATION

3 BY MR. McEVILY CONTINUING:

4 Q Having been present throughout this entire
5 trial --

6 A Yes.

7 Q (continuing) -- during the day you heard
8 references to the Book of Revelation, specifically Chapter 13
9 and specifically to a beast mentioned in there.

10 Would you please, with regard purely in terms
11 of informing this Court, share with the Court your informa-
12 tion regarding the historical context and the references
13 made by the author to a beast.

14 A Yes.

15 The historical context is that beginning with
16 the Emperor Nero, who killed himself in the year 68, the
17 Christians were under sporadic but escalating persecution.

18 By the year 96, under the Emperor Domitian,
19 the word was out that all the Christians should be destroyed
20 and that was the occasion of the Book of Revelation.

21 When this decree for genocide of us Christians
22 occurred, the Christians reached back for political metaphors
23 into the Jewish background.

24 There had been a long tradition of the anti-
25 Christ among the Jews beginning with the year 198 B.C. when

1
2 Antiochus Epiphanes tried to wipe out all the Jews.

3 So, this belief that some tyrant or Hitler
4 would arrive to wipe out us Jews and Christians resonates in
5 our psyche and every time the terror is upon us all those
6 images come alive again.

7 I am a little tired right now because I worked
8 until 2:00 A.M. researching 30 commentaries on the Book of
9 Revelation and a stack of xeroxes and a few books I have
10 here --

11 THE COURT: Excuse me. I don't want to
12 interrupt you but we would be very happy, Doctor,
13 to have introduced into evidence xerox copies
14 of any of these materials that you feel would be
15 useful to the Court and you may, if you wish,
16 after the hearings are ended, supplement, through
17 the attorney, your testimony with any other ma-
18 terials you think might be helpful.

19 If you give us both the xerox pages and
20 also the Title Page so I can find it in the Library
21 it would be helpful.

22 THE WITNESS: Yes.

23 I would like to submit from the first
24 volume of R. H. Charles on the Revelation of
25 Saint John, a reference on page 363, to the Jewish

origin of the anti-Christ --

THE COURT: Excuse me.

Do you have the xerox of the title page?

THE WITNESS: Just the reference.

THE COURT: If counsel at some time would put the date of publication and other material needed on those xeroxes so I can check in the Library that would be helpful.

Just the pages floating around --

THE WITNESS: I have penned the date on here.

THE COURT: Yes, all right.

A (continuing) The anti-Christ is merely the reverse Christ and since Christ is a Jewish word the whole Messianic expectation of the Jews is involved in the anti-Christ.

The Christ is the Messiah in Jewish heritage and the anti-Christ has the same portfolio as the Messiah -- politics, economics, social control and religious guidance.

So, we know exactly what anti-Christ means in Jewish and early Christian history.

"The wearing of the marks are under supernatural protection. The anti-Christ expectation among the Jews " is the basis of this. "The Jews" in the quotation.

1
2 "The wearing of the marks" as the yellow bands
3 worn under Hitler goes way back to other ways of identifying
4 who it is who is not to be persecuted and the anti-Christ
5 expectation among the Jews is simply carried over into
6 Christianity or to put it more simply, the Christian under-
7 standing of the anti-Christ is not in anyway different from
8 the Jewish understanding of the anti-Christ in the Judaism
9 of ancient times.

10 The reason Jews no longer use the term "anti-Christ"
11 is because the word "Christ" -- a Greek translation of
12 "Messiah" -- has gotten hooked narrowly into Christianity.
13 But, it has always been the threat and destruction to human
14 liberty and life and it is this gut fear that turns in people
15 when they feel that they are being threatened --

16 MS. SCANNELL: This is very interesting
17 but I do not see the relevance of this.

18 There is no indication the plaintiffs
19 even believe this. It never crossed their minds
20 as to what this learned gentleman is testifying
21 to.

22 I don't see the relevance at all. It is
23 more or less a course on the history of the Bible
24 but it is not an issue here.

25 The fact that Revelation in the Bible exists

1
2 is not an issue here. What is in issue is that
3 these plaintiffs hook that up to social security
4 numbers.

5 THE COURT: Well, as I understand the law --
6 and of course I will be guided by more learned
7 counsel on these issues -- two aspects of my problem
8 are going to be first, is this a bona fide religious
9 based belief and second, are the plaintiffs sincere.

10 Now, the double Doctor -- if I may refer to
11 him -- on the witness stand is giving us highly
12 relevant theological and political history to show
13 that they are bona fide beliefs.

14 The first witness has indicated, if her
15 testimony is to be believed, that she has a sincere
16 belief.

17 There is no necessity, as I understand the
18 law -- but I would be guided by your briefs -- for
19 the individual religious believer to know all of
20 the details of theology.

21 Most people who go to church or synagogue
22 or mosques have not got the remotest idea of the
23 theology that makes them do what they want to do
24 but that does not mean they are not observing
25 religious practices in a sincere way.

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MS. SCANNELL: We heard the Pastor testify that it wasn't a tenet of his religion that it was either wrong to have social security numbers nor that it represented the anti-Christ beast.

These people, as far as they say, say it is stated in the Bible that it represents the anti-Christ belief.

THE COURT: No. That's not what they said.

MR. MCEVILY: Will they stipulate to the history of their beliefs?

MS. SCANNELL: No, I won't stipulate to that.

THE COURT: We have to start at sometime. We will gradually work up.

The Doctor is starting, I take it, at 200 B.C. He would have started at Genesis. You are fortunate.

If you let him proceed he can get from 200 B.C. to 1976 more promptly.

MS. SCANNELL: My objection stands.

THE COURT: Overruled.

THE WITNESS: I would just like to continue --

THE COURT: You take all the time you want.

55

Nothing would be more enjoyable and interesting to me today than to listen to you.

THE WITNESS: Thank you and I feel a little more relaxed since you are leaning back.

Q (continuing) There is just one more passage on page 363:

"A ruthless economic warfare is here proclaimed with a view toward the absolute supremacy of the state."

This has to do with the last two verses of the main chapter Mr. Charles is concerned with.

This fear of the absolute supremacy of the state is a gut fear behind a great deal of interpreting the Book of Revelation and the commentary from which it comes is indeed old classic among Catholics and Protestants.

There is one more text here and it establishes this sense of fear as a double terror.

There is the fear that we, who have religious convictions will be destroyed by the totalitarian state but there is the fear that if we do not let the supreme state destroy us God will.

So, it is a double terror and my reference here is to the companion to the New Testament, New English Bible, pages 820 and 21:

"Any Christians who found themselves in a Court

of Law might be put to the test and bidden to offer sacrifice to a statue of the Roman Emperor."

In this chapter there are two beasts, one rising out of the water and one out of the land.

It was written by John the Revelator almost certainly in the year 1896 as he looked across the little island of Patmos off the coast of Turkey, modern Turkey, where he was exiled.

He looked across the water and the beast rising in Roman was the Roman Emperor. But, the second beast, rising from the land, that is the beast from the East. The Eastern boundaries of the Roman Empire were constantly embattled and there grew up there a belief that if the emperor were worshipped as god there would be more political and military cohesion and therefore the minyans of the emperor, who were priests of the cult, were established mainly in the east so that looking eastward from the little island of Patmos the beast rising up is what we would call the church.

The union of the political and religious was absolute in the Roman Empire as it was under Hitler.

There was no freedom of religion and the Christians were more terrorized by the priests than they were by the judges. That is because the priests of the Imperial Cult were hailing the Christians into court before the judges.

1
2 They were functioning, not as we would think
3 religious priests would, but rather as police to bring in the
4 Christians and they had to have some way of identifying these
5 Christians and they would ask them for their pass.

6 Their pass was called a libellus, made of
7 papyrus and it said on it -- and we have some of these from
8 way back in the first century -- and it said: I have sacri-
9 ficed to the Emperor and then it had the signature.

10 All you had to do to sacrifice was to place a
11 pinch of incense on the altar of the genius of the Emperor
12 and that was it.

13 You signed, the priest signed and everytime you
14 got nailed by the police you could show your passport.

15 If you didn't have it, the libellus, you could
16 be dragged into court and executed the same day. This was
17 instant death.

18 That is the mark of the beast.

19 To continue this paragraph:

20 "Refusing to do so" -- refusing to offer the
21 pinch of incense to worship the emperor -- may Christians lost
22 their lives.

23 "Indeed, this ordeal could be regarded as deci-
24 sive for a man's salvation.

25 "Only those in the role of the living would pass

1 the test. The rest would consent to worship the beast.

2 "For them, the prophetic judgment was appropri-
3 ate once made by Jeremiah upon his contemporaries (Jeremiah
4 152:) there would be no escape from the violent end their
5 conduct merited.
6

7 "The only way to salvation lay in the fortitude
8 and faithfulness of God's people."

9 These people were in a pincer movement, between
10 the terror of the state and that of God -- what the state
11 wanted to do to them immediately and what God would do if
12 they worshipped the state.

13 (Continued next page.)
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2 Q Thank you for that answer, Doctor. You covered
3 much of the questions that we were thinking of.

4 One of the concepts you raised in your answer
5 is the importance of the conscience of the believer and the
6 terrible position that the believer was in in his inability
7 to rely on the state or in fact, the church, for guidance with
8 regard to their acceptance of the, as you called it, the
9 mark of the beast.

10 Could you elaborate at all with regard to that?

11 A Would you try to sharpen it up just a little bit,
12 please.

13 Q You expressed caution and the need for caution
14 on the part of a believer.

15 With regard to turning toward the formal church
16 for instruction, guidance or, if you will, doctrine regarding
17 the interpretation of the mark of the beast, whether or not
18 they should take it, you were referring to a bind. Does
19 John, in Revelation itself address that issue?

20 A It still is not clear. I'm sorry.

21 Q Does John address the importance of the believer
22 to rely on their conscience rather than turning towards the
23 church?

24 A Yes.

25 John says it is every person for him or herself

1 because there is nothing in society that is reliable.

2 There is total chaos and therefore the address
3 of the Book of Revelation is to the individual.

4 The questions are gathered in small groups but
5 when the police walk in, where is the group?

6 The cohesion tends to give way when your skin-bag
7 is threatened.

8 So, the interpretation of the Book of Revela-
9 tion has to be first personal and second, from the gut to the
10 head.

11 All rhetorical motivating literature addresses
12 the feelings because people move on feelings rather than
13 ideas and there are two profound feelings in the Book of
14 Revelation.

15 The first is God loves us and he calls us to
16 be faithful to him in Jesus no matter what happens. That is
17 the positive feeling.

18 The negative feeling is that the world, meaning
19 the general society, including the economic and political
20 structures, is inimical indeed and mostly to us, to the
21 Christian, the totalitarian state, the whole society is out
22 to get the Christians.

23 So, the second feeling is extreme suspicion and
24 when that suspicion roots in the question of whether they can
25

maintain their faith, the suspicion becomes terror and what the John the Revelator is trying to do is spring them loose from the terror and back up into their faith.

Now, that is a design for encouragement, for comfort, for strength and it is political only in the sense that it is a situation that requires writing the book itself.

The book grows directly out of that life situation of persecution.

As for interpreting the images I would like to submit something published just a couple of months ago to evidence that the reason the churches haven't given an official interpretation of Revelation is that the churches want the Christians to understand the gut dynamics I am talking about and not go looking around for vagrant notions that spring to mind from examining the particular images.

This is in the supplementary volume, the Interpretation Dictionary of the Bible just published and it is a Catholic and Protestant and Jewish endeavor.

The articles on the Book of Revelation happens to have been written by a Catholic scholar at Notre Dame and I want to submit just a sentence from it.

This is on pages 744 and 45:

"Since the author does not employ discursive logical patterns but speaks in the language of symbol and myth

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1
2 his images are 'open-ended' and cannot be nailed down to one
3 single definite interpretation.

4 "The difficulty of interpretation moreover, is
5 greatly increased because the author did not freely create
6 his materials, instead, he used traditional materials."

7 It was as though he was a painter using a wide
8 palette and dipping into the green, dipping into the red --
9 green for hope and red for terror and sacrifice.

10 The Book of Revelation is a painting and not a
11 legal document.

12 One cannot follow a logical discursive line
13 through it. It is translogical as love and fear are trans-
14 logical.

15 So, a person is free to interpret the numbers
16 and the images in the Book of Revelation entirely within the
17 way we Christians have done it through the years and what I
18 have heard here today does not at all violate the history of
19 the interpretation of the Book of Revelation.

20 Q Are you saying that with regard to Christian
21 religions, generally there is a doctrine that there can be
22 no doctrine requiring the beliefs of a particular faith to
23 interpret Revelation in a particular way?

24 A It is an enabling, permissive doctrine instead
25 of being a prescriptive doctrine.

Q And I believe part of the basis for the fact that Christian Faiths do not have a doctrine regarding the Interpretation of Revelation is based on the nature of the warning written by John for believers --

MS. SCANNELL: Objection. He is leading the witness.

Ask him what he believes.

MR. McEVILY: I am attempting to summarize the question it took ten minutes to answer before.

THE COURT: You may.

Q As I was saying, is there anything in the context of Revelation itself which would lead a Christian Church to take the position that there can be no doctrine with regard to interpreting the Book of Revelation?

A Try once more.

Q Before, I asked you whether or not the Book of Revelation required the believer to be careful, to be cautious --

A Cautious about what?

Q Cautious about on whom to rely for advice regarding the receipt of the mark of the beast.

My question followed your description historically of the situation where the state and church had merged.

A Yes. There was no church but the religious and political powers were under the Roman Emperor, one authority.

1

2

Q And what was the religion at that time, Doctor?

3

A The religion was not a religion, but all the

4

religions of the Roman empire.

5

Q The religion you were referring to before?

6

A That was the religion of the worship of the

7

emperor which was the only religion required; love the empire.

8

Q You are saying that Revelations addresses

9

two beasts. One the cult centering around the emperor and

10

the second the center of Rome?

11

A That's right, two beasts, only one power seen

12

from the religion angle, the first chapter. That power is

13

seen in its political implications. The second is the re-

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ligious implications.

15

Q You have also heard, religious beliefs regarding

16

references to a number which are contained in Revelations,

17

Chapter 13. As you have given us the background historically

18

of the beasts contained in Chapter 13, could you give us the

19

number contained in Chapter 13?

20

A We just Christians tend to be allergic to

21

numbers in the hands of government. That goes way back to

22

First Samuel 8, in which there is an argument that there ought

23

not to be any government because God is the direct Lord of

24

history. We call that theocracy and Samuel does not want

25

to annoint Saul, making what we now call the Messiah because

the Jewish word to annoint is the word "messiah", because Samuel says we should be guided directly by God and not of a king.

But the people were saying, give us a king like the nations round about us and finally God said to Samuel, all right I will but with a broken heart.

So the existence of government from the standpoint of the Jewish and Christian faith, the existence of the Government is something that God is broken-hearted about which is an intimate personal way of saying that Judaism and Christianity are inherently suspicious of government.

Thus, we were able to get the separation of church and state in the United States, which is, I think the greatest product of that suspicion in the history of the world.

It is so hard for us to imagine that Hitler could simply take over the church by stopping the payment of the pastors, but in East Germany, in communist Germany today all the ministers are paid by the Communist Government.

MS. SCANNELL: I object. We are getting into history and this is not relevant here.

THE COURT: All history is relevant.

MS. SCANNELL: It is not relevant to this point, I believe, and I object on those grounds.

THE COURT: We are dealing with very deep

doctrines and we couldn't avoid going into it. If the State wants to concede at any point that it doesn't have a case on First Amendment grounds we will stop.

MS. SCANNELL: No, I won't concede that --

THE COURT: Why don't you listen for a while.

MS. SCANNELL: He is testifying to something that's not in issue.

THE COURT: No. One is religion and one is the belief of this plaintiff. I think it is very complicated.

THE WITNESS: I will hurry to get to the number.

THE COURT: Please, don't hurry on my account, Doctor.

A (continued) I said that in the hope that you would say that, but I will try to move it along.

My reference to First Samuel, 8, is important because it was at that point the anointing of the first king of Israel that the tension was set up between the Prophets and the kings.

The Prophets announced the will of God directly. The Book of Revelations, a prophecy not in the sense of a magical prediction, but in the sense of an announcement of what God wants in history.

Saul died and Samuel had to anoint his successor,

David. David decided that he wanted to know how many troops he had. So he numbered them. Well, that makes sense.

But the numbering there; it's the first instance of statistics. The numbering tempted David to depend on his troops rather than the Lord.

So it says, First Samuel, 24; one, that the numbering was evil. God wanted to punish David and so he let David do the numbering of the troops and taking of the census. But the numbering -- it was the punishment of God.

After the exile and my references to First Chronicles 21:1, after the Jews came back from Bablon to Jerusalem, the numbering under David was understood to have been done under the temptation of the Devil and here is where the anti-Christ theme comes in.

The Devil tempted David to take a census to number everybody and David yielded to the temptation. This came down through the Jewish tradition as a suspicion about numbering. My reference here is to a work of B.B. Caird, a commentary on the Revelation of John.

On Page 174 it says, "The number of the monster or the beast", and here we are at the end of Chapter 13 of Revelations, again is explicitly stated to be the number of its name and the man's name. Whatever else may remain obscure there can be no doubt about the method by which John invites

2 his intelligent readers to calculate the number.

3 He is using the device known to the Jews as Gematria,
4 but practiced by Greeks as well as Jews. In both Hebrew and
5 Greek, the letters of the alphabet were used as numerals.
6 This double function of the alphabet was a standing invitation
7 to convert a name into a number or a number into a name.

8 The Jewish rabbis used Gematria as an esoteric method
9 of expounding the meaning of Scripture. Sometimes this was
10 successful in elevating in the sense from an otherwise un-
11 intelligible or immoral passage.

12 In other words, Gematria was a game of converting
13 numbers into names into numbers, a well-established name in
14 the ancient world and the rabbis, before the Christians got
15 into this.

16 The rabbis when they got to a tough passage in Hebrew
17 would try to convert it into numbers to see what would happen
18 there by gaining another level of devotional interpretation.
19 The picture then as I see to be quite concrete about it, is
20 that the Book of Revelation sees the government as requiring
21 you to wear the emperor's name on your person, on your hand
22 or arm or head so the police could see you were not to be
23 seized for exclusion the same day. You didn't go outside
24 without the mark of the beast on you.

25 But the beast is any government official who takes

2 away rights including the right to live and so the mark of
3 the beast, 666 and there is massive agreement on this from
4 the second century on. The number of the beast, 666, is
5 the name of Nero. He was indeed a monster. The burning of
6 Rome and so forth.

7 The way you arrive at this is to take Nero's name,
8 put it from Latin into Hebrew, take the numerical value of
9 the letters of Nero's name in Hebrew and then render it into
10 Greek. It comes out to be 666. It's a little playful
11 pseudo-esoteric way of saying that the monster is our present
12 government.

13 In Chapter 13 of Revelations there is a reference to
14 the beast being wounded and the wound having been healed.
15 This is the last thing I want to say in response to this
16 question.

17 Nero suicided in the year 68, but the people couldn't
18 believe that he was really dead. When we get a real monster
19 they couldn't believe he is dead so you remember Hitler went
20 to South America after he died.

21 This is true in history. The real monster is such a
22 terror that people couldn't really believe he's gone. So
23 there grew up a legend, called Nero Redivivus, which means
24 "come to life". ..

25 The people were wondering whether Nero would be back.

1
2 In the year 96, the year of the coming back -- convinced
3 them that Nero is back, and therefore the number 666, which
4 means, Nero, was taken to be the mark of the beast in 96 and
5 John predicts this in the future of anti-Christ.

6 "John was calculating-- I am reading on Page 175 --
7 "John was calculating the numerical value of the legend
8 on the current coins of Domitian. If you took this monster
9 emperor, Domitian in the year 96, and took the coins which
10 he issued and totalled it up, the numerical value of the
11 abbreviations on the coins, that comes out to be 666.

12 The mark of the emperor is primarily the coinage
13 but this is transferred to the mark on the person to deliver
14 him from being hauled into court."

15 I am sorry it is so complicated, but it just is
16 your Honor.

17 Q Could you share with the Court what the
18 teaching of Revelations is regarding those people who refuse
19 to accept the mark of the beast?

20 A Yes. The people who refused to accept the mark
21 of the beast would be dead before breakfast. That is if the
22 court system worked well.

23 The people who received the mark of the beast re-
24 ceived it because they had already worshipped the beast in
25 the form of an inch of incense on the altar of the emperor.

1 All through Scripture in our Jewish and Christian
2 heritage, nothing God has made is to be worshiped and to
3 worship anything he has made is blasphemy. The end of
4 blasphemy is destruction.
5

6 The world was made by God, the Creator of heaven and
7 earth and he wants us to relate to Him and to the whole
8 creation as brothers and sisters. When we relate to anything
9 in creation as a god, it destroys the whole picture of the
10 universe in our heritage and it destroys our faith and it
11 destroys us.

12 There are various ways that the Bible tries to get
13 people to resist the temptation to worship the state or
14 sexuality or whatever else it may be and it screams at us.
15 Frankly, it threatens us with damnation.

16 It's this concern that we resist this temptation to
17 worship the beast.

18 Q Is the Book of Revelations as you have de-
19 scribed it a text describing the history of a particular
20 era in the Christian church?

21 A Yes. Three things we need to say about it
22 is that it is addressed to the Christians in their little
23 churches to strengthen them against the persecution and the
24 second thing is that it is exclusively political in its
25 orientation because it is addressing a political crisis,

1
2 and the third is that it is specifically historical.

3 It has some spill-overs for politics beyond 1896,
4 but its address is tightly tied i with what was going on
5 in the Roman empire in the year 96. Any prophecies in the
6 sense of predictions from that would be thrown forward just
7 as the book itself is thrown backward to catch the images of
8 anti-Christ.

9 We do project the future from the present. There
10 is no prediction in the sense of a tying of the future magi-
11 cally into any words in this book. That would be a violation
12 of the biblical understanding.

13 It is in line with so many popular understandings in
14 what prophecy is. Does the Book of Revelations have meaning
15 to the Christian living today, particularly with regard to
16 the Christian relationship to the state?

17 MS. SCANNELL: I object. How does he know with
18 respect to any Christians or any particular Christian?

19 THE COURT: I have already characterized him
20 as an expert. He's officially an expert.

21 MS. SCANNELL: He's familiar with the Book
22 of Revelations.

23 THE WITNESS: I have a son who successfully
24 defended himself in Federal Court for refusing to
25 give the Government information in connection with

1 the draft because he had a high number, but he wanted
2 to make a witness against the power of the state to--
3 of the citizen -- so whenever he was called before
4 his draft board he would go in obedience to the state
5 and stand there silently and he won his case with
6 Judge Mopley, so my own gut is involved in a trial
7 like this.
8

9 As for sectarian interpretations, there is
10 nothing anyone could dream of as an idiosyncratic
11 interpretation of the image of the Book of Revelations
12 which would not have massive precedence in the past
13 because everything has been thought over and over and
14 hundreds of thousands of people have believed it.
15

16 My reference here is, the conviction I have
17 about this case, not only that this couple --

18 MS. SCANNELL: I object. He's talking about
19 beliefs of the plaintiffs. That is entirely impro-
20 per. He's not an expert as to the plaintiff. He
21 claims it is their subjective belief. He's not
22 qualified to testify as to the beliefs of these
23 plaintiffs.

24 If he's testifying as to the belief of the
25 Bible, that's one thing, but when he testifies what
he thinks what these plaintiffs believe in this court

action I think it is improper.

THE COURT: 704 of the Federal Rules of Evidence, testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of the fact.

MS. SCANNELL: He can have an opinion as to something in the Bible, but he has an opinion as to these plaintiffs' conscience.

THE COURT: Who would be better able to do that, but an expert in two degrees of theology and has taught so many other people.

MS. SCANNELL: I don't question his expertise in theology or religion, but that is fact. He's not an expert in delving into the conscience of these plaintiffs.

THE COURT: I am sorry, but I believe the Rules of Evidence are against you.

MS. SCANNELL: I object.

A (continued) What I was trying to say is that I am, I believe, in a position to see a pragmatic idiosyncratic use of Scripture, that is to say somebody who hooks up on a Bible in order to bring himself youth or something or to gain some illicit advantage, I as a biblical scholar,

am enraged by the prostitution of Scripture.

While one might say that the plaintiffs' interpretation of the number is idiosyncratic, the first point I have made is that it's been done before and it's being done by many others in our time, but the second is that one could not say that this idiosyncratic interpretation is pragmatic in the sense of something dreamed up for the occasion, and here I am not addressing the convictions of the plaintiffs but rather using the plaintiffs as a category as people whom I have met for a decade, people who are of deep convictions who are not pragmatic in the unethical sense, and from what I heard this morning I saw no evidence in the words or the muscles of the body that would suspect trickery.

MS. SCANNELL: I object now. He is testifying as to the viewing of the witnesses as to the credibility of the witnesses on the stand. That is improper.

(cont'd on next page)

1
2 THE COURT: Well, he has been in charge of
3 congregations and he has to be able to interpret the
4 reactions of people before him. That is part of his
5 ministry.

6 MS. SCANNELL: He cannot be categorized as
7 a psychologist on the credibility of people testify-
8 ing or when they take the stand.

9 THE COURT: Overruled. I will accept this
10 testimony.

11 You may continue.

12 MR. McEVILY: I have no further questions.

13 THE COURT: Cross-examination?

14 MR. SCLAFANI: As I pointed out earlier, I had
15 difficulty getting authority from HEW to intervene in
16 the action.

17 I have had the Secretary tell me that although
18 he is interested in being in this action it is the
19 policy of HEW not to intervene but were we joined in
20 the action by the plaintiffs we would be more than
21 willing. As a matter of fact, we would be grateful.

22 I withdraw my motion to intervene and would
23 like to remain as a Friend of the Court until such
24 time as plaintiffs see fit to join us, if ever they
25 do.

1 THE COURT: Motion granted. You may remain
2 as a Friend of the Court and I think the plaintiffs
3 should serve you.
4

5 CROSS-EXAMINATION

6 BY MS. SCANNELL:

7 Q Isn't it true that you testified that people
8 can find justification for things in the Bible?

9 A Yes.

10 Q And they can use the Bible in a pragmatic way?

11 A Right.

12 Q Does this happen in your experiences?

13 A It happens with any document that has enough
14 authority to give people leverage.

15 MS. SCANNELL: Thank you.

16 MR. CAMPO: No questions.

17 CROSS-EXAMINATION

18 BY MR. SCLAFANI:

19 Q Is it possible that a person could determine,
20 for pragmatic reasons and not religious reasons, that social
21 security numbers should not be provided in anyway -- such
22 numbers?

23 A Of course.

24 MR. SCLAFANI: Nothing further.

25 THE COURT: I have some questions Doctor, if

1
2 you don't mind.

3 Would you characterize the plaintiffs' beliefs
4 as religious?

5 THE WITNESS: Profoundly so.

6 THE COURT: Having heard them would you say
7 the beliefs respecting the social security numbers
8 for the children is a sincere religious belief?

9 THE WITNESS: Deeply so.

10 THE COURT: Could they sincerely believe in a
11 religious sense that obtaining a number for their
12 children might cause the children everlasting serious
13 harm?

14 THE WITNESS: Indeed. It is part of the
15 tell all.

16 THE COURT: Any other questions?

17 MR. SCLAFANI: I would like to ask a question.

18 THE COURT: Certainly.

19 CROSS-EXAMINATION

20 BY MR. SCLAFANI:

21 Q I would like to ask whether after your discussion
22 on the history of the state's role and the religious role with
23 regard to the Book of Revelation, whether a person could
24 believe that the numbers were wrongful but nevertheless still
25 -- the social security numbers were evil -- but nevertheless

1 not believe such for the grant of aid? Wouldn't it also follow
2 that the giving of the benefits would likewise be just as
3 evil?
4

5 A It would in my conscience --

6 MR. McEVILY: I would like to object before
7 the witness answers.

8 This goes to the heart of the reasonableness
9 of the beliefs of the plaintiffs.

10 Under Ballard and under your prior decision
11 in Kahane --

12 THE COURT: Overruled.

13 A It would in my conscience but obviously does not
14 in theirs.

15 Q Would you say that a person who believes that
16 numbers should not be provided, in accordance with the scrip-
17 tures and the Book of Revelation, likewise, they should not
18 accept checks with numbers on them? Aren't those numbers
19 just as evil?

20 A That is a logical generalization and I read a
21 text which says the Book of Revelation is not logical.

22 Q But it remains that a person could contrive,
23 for pragmatic reasons, their own interpretations?

24 A Of course.

25 THE COURT: Thank you very much, Doctor.

1 You have been very helpful.

2 Counsel will arrange to supply copies of
3 that material and any other material the Doctor
4 wishes to supplement his testimony with.

5 MR. McEVILY: Plaintiff has no intention
6 of brining forth any other witnesses.

7 Plaintiff rests.

8 THE COURT: Any motions?

9 MS. SCANNELL: I move to dismiss the complaint
10 and this action based on the failure of the plaintiffs
11 to number one, show that it is a religious belief;
12 number two, show that the religious belief is bona
13 fide and number three, show it is in fact a religious
14 belief rather than a political or philosophical belief
15 as the distinction was made in Wisconsin v. Yoder.

16 If it is not religious then it is not covered
17 by the First Amendment.

18 Assuming, arguendo, there is shown that their
19 belief was a bona fide one and religious, they have
20 shown no iota of evidence that their religious beliefs
21 outweigh the governmental need or requirement of
22 social security in maintaining its public assistance,
23 that public assistance program.

24 They have shown no effort.

25 THE COURT: Denied.

MS. SCANNELL: I would like to call the plaintiff.

THE COURT: Do you wish to make a motion, Suffolk County?

MR. CAMPO: No sir. I join in her motion.

THE COURT: Denied.

Defense witnesses.

MS. SCANNELL: I would like to call the plaintiff, Mr. Stevens to the stand.

DAVID M. STEVENS, affirming before the Clerk of the Court took the witness stand and testified as follows:

DIRECT EXAMINATION

BY MS. SCANNELL:

Q Mr. Stevens, did there come a time when you applied for public assistance?

A Yes, there was.

Q And where did you apply?

A The Department of Social Services, Long Island.

Q When did you apply, what date?

A Can you clear it up a little bit? Explain a little bit better?

Q When was the first -- around the year that you first applied for public assistance.

1 A I believe it was around '69, 1969.

2 Q Did there come a time when you then left the
3 home?
4

5 A Yes, there was.

6 Q And when you were not living with your wife and
7 children were you then getting public assistance on your own?

8 A No, I was not.

9 Q What were you doing? Were you employed?

10 A Yes, I was.

11 Q Where were you employed?

12 A I believe I was working for the State of --
13 New York State.

14 Q New York State?

15 A Yes.

16 Q Can I ask you in what capacity you were working
17 for the State of New York?

18 A Pilgrim State Hospital as a grounds keeper.

19 Q And did there come a time when that job was
20 terminated?

21 A Yes, there was.

22 Q Now, when you applied for assistance to the
23 Suffolk Office, did there come a time when they asked for
24 your children's social security numbers?

25 A Yes. I got a letter from Social Services asking

1
2 me to have my kids have social security numbers.

3 Q Do your children have social security numbers?

4 A No, they do not.

5 Q What was your reply to the Department?

6 A Me and my wife, we talked about it and wrote
7 a letter that we could not comply but we would be able to do
8 it any other way that didn't involve the kids.

9 Q Did you have a hearing?

10 A Yes, we did.

11 Q What was the decision of the hearing?

12 A Suffolk County won the case.

13 Q What do you mean by "won the case?" What was
14 their specific decision?

15 A I'm trying to think of the word.

16 Q Did they terminate the assistance of any mem-
17 bers of your family?

18 A They terminated all of us.

19 Q Would it refresh your recollection if I read
20 to you a copy of the Fair Hearing Decision?

21 A Sure.

22 MS. SCANNELL: At this time I would like to
23 submit into evidence Defendant's Exhibit G which is
24 a copy of the decision dated August 9, 1976, after
25 a Fair Hearing in the case of David Stevens.

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1 THE COURT: Admitted.

2 Have the Clerk mark it, please.

3 THE CLERK: It has been previously marked in
4 evidence, your Honor. It was marked this morning.

5 THE COURT: All right.

6 Q Now Mr. Stevens, I show you page two. Can you
7 read where it says "accordingly, the Agency determination" --

8 A Yeah.

9 Q And is it accurate to say that the second page
10 says "accordingly, the Agency determination to continue the
11 assistance of appellant's children on the ground that he
12 refuses to apply for social security numbers" is correct --
13 is that accurate?

14 A Yes.

15 Q And, the appellant being yourself.
16 Did there come a time when you failed to report
17 income tax returns?

18 A Yes, there was.

19 Q And when was that, what year income tax return
20 was that?

21 A I think it was last year's.

22 Q 1976 or 1975.

23 A I believe it was '75.

24 Q Okay.

1
2 Did you receive a Fair Hearing on that issue?

3 A Yes, I did.

4 Q And do you remember what the decision of the
5 board -- the decision of the Fair Hearing Board after that
6 hearing was? Do you recall that decision?

7 A I believe we were terminated.

8 Q Was that hearing subsequent to the August 9
9 hearing?

10 A I don't think I remember.

11 Q Would it refresh your recollection if I told
12 you the hearing was in September?

13 A No, it wouldn't refresh my memory. I'm not
14 good on dates.

15 Q You can't remember the month that that hearing
16 occurred?

17 A If it was the one we reported to in Hauppauge,
18 I remember it.

19 Q Was it the one relative to the income tax
20 return?

21 MR. McEVILY: Obviously the witness has no
22 recollection of the date.

23 THE COURT: you may inquire.

24 A I think it was the one in Hauppauge and I think
25 I remember it.

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Q You said it was what month?

A You said September.

Q And you think it was September?

A Yes, I do.

Q The other hearing on the social security numbers, to your recollection, was that hearing prior to this income tax one -- the September one?

A Yeah.

Q Now, during the time that you were cut off from assistance were you receiving unemployment insurance?

A Yes, I was.

Q What amount?

A \$79.00

Q Per --

A Per week.

Q Were you working at all during this time?

A Yeah. I was working -- if you consider it work.

Q Well, what was it?

A At the time things were really bad and I had no food on the table and I was doing a little clamming that put food on my table.

Q What dates were you clamming? Do you remember what months?

1
2 A I believe it was only -- I can't give you the
3 exact dates I was clamming.

4 Q No, no. I mean, the months of the year.

5 A I clammed a little bit last month and the month
6 before.

7 Q Did you clam in October?

8 A Yes, I did.

9 Q Did you clam at all in November?

10 A Yes.

11 Q Did you report that income?

12 A Yes, I did.

13 Q You did?

14 A Yes.

15 MS. SCANNELL: I'd like to mark into evidence
16 as Defendant's Exhibit E a copy of plaintiffs' report
17 for unemployment.

18 Apparently they report days as to when they
19 work and do not work.

20 THE COURT: All right.

21 Q Will it refresh your recollection if you look
22 here and see it says October, 1976 and part of November, 1976
23 -- doesn't it indicate here you did not work these days?

24 A Yes, it does.

25 Q Do you recall filling out this form?

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A I filled out my unemployment book.

Q You filled out in your unemployment book when you didn't work days? When you were really clamming those days?

A Yes, I was but -- yeah.

Q Now, let's get back to the time of the social security numbers.

What reason did you give to the Department for your refusal to supply social security numbers for your four minor children?

A Are you referring to the letter?

Q No. I am referring to your reasons you gave to the Department for your refusal to supply social security numbers for your children.

A All right.

First of all, as far as social security numbers go, we wrote a letter to Social Services and told them we could not comply because we don't want social security numbers for the kids and we didn't think it meant anything for the kids.

So, we wrote a letter saying we would cooperate in anyway but not to put numbers on the children.

(Continued next page.)

1
2 DIRECT EXAMINATION

3 BY MS. SCANNELL CONTINUING:

4 Q What did you mean to be of benefit to the children
5 when you say you didn't think it meant anything to the kids at
6 that time?

7 A Well, I remembered I had to have it to work.
8 They should make their decision to that when they are of age.

9 Q But you have made the decision for them to
10 reject aid for them as their parent or guardian --

11 MR. McEVILY: I don't think that is an accu-
12 rate characterization.

13 THE COURT: I will allow it.

14 A Repeat the question, please.

15 Q In other words, did you make a decision on your
16 children's behalf to choose not to receive any aid for your
17 children rather than supply social security numbers for them?

18 A Definitely.

19 Q Now, you say that your reason was because you
20 didn't -- could you furnish your other reason for not having
21 social security numbers for your children --

22 MS. SCANNELL: Strike that.

23 Q You claim you have a religious reason against
24 social security numbers for your children?

25 A That's kind of hard to say but yeah, I'd say --

1

2 like I say, I think that would be a decision they have to make
3 on their own just as well as I did.

4

Q Do you have a religious objection to them re-
5 ceiving social security numbers?

6

A Yes, I do.

7

Q What is that based on?

8

A I feel that social security numbers are the most
9 powerful numbers used in our system today.

10

Q In what way?

11

A In its use.

12

Q How is it used?

13

A All right.

14

If -- when -- if I go back -- when I was in the
15 Job Corps in '66 or '67, my name was seldom used but my social
16 security number was used to identify me.

17

Q To identify you in what? In relation to your
18 job?

19

A No, in relation to as far as accounting for a
20 person in numbers in a camp.

21

In other words, instead of pulling out a card
22 for David Stevens they would pull out number 0284 or 082139.

23

Q You object to that use?

24

A Yes.

25

Q Why?

1

2

A I didn't know better at that time but I now

3

do.

4

Q Why do you object to it now?

5

A Because of the power behind it.

6

Q What power?

7

A The power of the number itself.

8

Q What is the power?

9

A It shows it right here. You're forcing me to

10

accept the benefits --

11

Q Are you being forced to accept benefits from

12

public assistance, Mr. Stevens?

13

A No. You're getting me wrong.

14

I have to put this number on my children or

15

otherwise the Government will cut me off.

16

Q You object to that -- that the Government can

17

cut you off unless you have social security numbers for your

18

children?

19

A That's one of the reasons.

20

Q And the other reasons?

21

A As I say, it is used as identification --

22

Q Identifying how? How is it used as identifi-

23

cation? Can you give me some examples in your experience as

24

how it is used for identification?

25

A When you go to the Motor Vehicle it's on your

1
2 license.

3 Q You have a license?

4 A Sure I do.

5 Q And a social security number?

6 A Sure I do.

7 Q You object to it because it is on your motor
8 vehicle license. Do you know whether the motor vehicle uses
9 it in anyway?

10 A They identify you, don't they?

11 Q Do you know?

12 A Let me get something straight.

13 I don't object to the number itself. It's the
14 formality and the power behind that number.

15 Q That's what I'm trying to get to, Mr. Stevens.
16 What power and formality behind that number?

17 A Just let me think a minute.

18 (pause.)

19 A (continuing) All right.

20 The power behind it would be, as far as being
21 aided or not aided, as far as social security goes and every-
22 thing.

23 First of all, I don't think my children need
24 social security numbers now. They are not working. That's the
25 only time I received social security numbers.

1
2 Q Is that one of the powers you object to -- be-
3 cause they don't need them?

4 A It's not one of the powers.

5 Let me put it this way: Specifically, deep down
6 inside, I don't feel my children should be subjected to
7 social security.

8 Q Why?

9 A Because that's the way I feel.

10 Q Why do you feel that way?

11 A That's the way God talks to me. If he talks
12 to me --

13 Q God told you social security numbers aren't
14 good?

15 A He said in scriptures not to put a mark on your
16 children and I feel that's a mark.

17 Q Do you object to any mark or just social secu-
18 rity?

19 A I object to the social security number.

20 Q Just the social security number.

21 So, you wouldn't object to any other number?

22 A No, I don't think so.

23 Q Well, why is it just the social security number
24 that you think is the mark that you object to?

25 A Well, look how easy to obtain and how hard it is

1
2 not to keep it.

3 Q So?

4 A Any number you can get out of but social security
5 is one of the hardest ones to get out of.

6 Q How does that relate to your religious objections
7 -- the fact that it is easy to get and hard to get rid of?

8 A That's kind of a hard question to ask -- to
9 answer.

10 Q Well, could you try?

11 A Well, I guess through Revelation, through what-
12 ever is in the scripture.

13 Q How, through Revelation?

14 A Well, as it was said today, Revelation, 13,
15 is a prime example of that.

16 Q That talks about numbers and the anti-Christ
17 beast. How do you connect that up to social security numbers?

18 A It's the most powerful number.

19 Q But one power has it.

20 A It's used for everything. It's used to identify
21 a person and at the Department of Motor Vehicle --

22 Q How is it used to identify a person?

23 A It's a number.

24 Q How? Give me an example.

25 MR. McEVILY: This doesn't have anything to

do with the religious beliefs or origins of the plaintiffs' beliefs.

THE COURT: Overruled.

A If I was to go down to the Motor Vehicle itself; on my motor vehicle; if I want to collect benefits I have to have a social security number. That's two ways right there.

Q What else?

A If I want social security in my old age that's the way. If I don't have this number I am supposed to be terminated -- if I don't have this number.

Q How else?

A It's computerized which is very -- it's computerized. I can't explain it anymore. I know it has a lot of power to it.

Q Would you object to any other computerized system of numbers?

A It depends on how strong -- how can I explain it? It depends really -- I think I would object to it if it's as strong as I feel social security was.

Q What would make it as strong as you feel social security is?

A How do you mean that?

Q You say you would object if you felt as strong about it as you do about social security and I am asking you

1
2 what attributes would it have to make you feel so strong about
3 it that you would object, as you do, to social security?

4 A It would depend on the ages of my children. If
5 it's for my children I would object to it.

6 Q So, any computerized system of numbers you would
7 object to if one of these numbers were given to your children?

8 A Yes.

9 Q The fact it's computerized --

10 A Not just that but what's it's for.

11 Give me an example of what you mean by a number?

12 Q I'm asking you -- you say you object to its
13 use and I'm asking you what are the uses you object to.

14 You object to its use as identification?

15 A Yes, but I said I would cooperate in any other
16 way.

17 Q Do you object to the use of addresses which are
18 often numbers in aiding and identification?

19 A Addresses don't bother me. I can move tomorrow.

20 Q You feel you can evade identification --

21 A If there's a way to get out of it, yes.

22 Is there a way to reject that social security
23 number?

24 Q You object to the number because you cannot
25 easily evade identification when you have the number?

1
2 A How do you mean "evade?" How are you talking
3 in terms of evade?

4 Q I asked you about an address which is a number
5 and an important tool in identification because names duplicate.

6 A So is a zip code.

7 Q Do you object to those numbers being used for
8 identification?

9 A No, I don't.

10 Q Why?

11 A Why? Because it's just an address. It doesn't
12 have power over me -- not power -- it doesn't have anything
13 hanging over me.

14 Q What does have something hanging over you?

15 A I would say social security because of the
16 simple reason I am pressed into giving my children social
17 security numbers.

18 Q How does the social security number have some-
19 thing hanging over you?

20 A Because I am being pressed into giving my children
21 social security whether I like it or not.

22 Q When you apply for assistance don't you have to
23 give your address?

24 A Sure.

25 Q You are being pressed to give that number?

1
2 A That doesn't bother me. The number is the same.
3 You can change it.

4 Q So, you can change it quickly --

5 A I live at 175 Triple Drive. Somebody else could
6 live at 175 Lakewood. It's the same number.

7 In social security there is no identical number.

8 Q How does that tie into the religious belief?

9 A Because I believe it has a lot of power. I
10 can't describe how much power but if I were to take a license
11 on the edge of the license -- not everybody drives -- if I have
12 say, a zip code, not everybody has a zip code where they live.
13 Let's face it. There are things that are not as complex as
14 the social security.

15 Q But is it the complexity then you object to?

16 A Yeah.

17 Q Oh, it's part of the complexity.

18 Now, we are getting down to more uses.

19 You said identification was one use, the motor
20 vehicle was a second use because it was on your license.

21 What other uses do you object to?

22 A I would have to say just the system itself.
23 Just the system itself.

24 (Continued next page.)
25

PA
follows

1 Q What system, itself?

2 A All right. Look everybody -- all right. People
3 have a license, right? Not everybody drives, if you want to
4 take any other number system today, doesn't have the knowledge
5 or the population or anything else, they have a social secu-
6 rity number, almost everybody has social security numbers.

7 Q So?

8 A So, it's the power if the Government wants to
9 use this power -- if a crisis were to come today or tomorrow
10 there wouldn't be a better system than social security.

11 Q So it's a fact that it's the best system?

12 A Sure.

13 Q So if there was a better system coming along
14 that would be the one you'd object to?

15 A I think so, yes.

16 Q You claim that it's universal and everybody
17 has a social security number, who's "everybody?"

18 A I didn't claim that. You did.

19 Q What did you claim? You said it was a big
20 system.

21 A Sure. You know that.

22 Q And --

23 A It's a collection system. It has knowledge
24 and how many people are around, and there is no better system
25

1
2 than that.

3 Q And that's what you object to?

4 A Yeah. Because I believe it means power, yes.

5 Q Well, if you object to that, then why do you
6 have a social security number?

7 A All right.

8 At the time I was only 16, and at the time I
9 didn't object to it because I didn't know any better.

10 Q Do you think it's wrong to accept benefits?

11 A If we lose this case --

12 Q I'm asking you whether you think it's wrong to
13 accept benefits from this number if the number is wrong?

14 MR. McEVILY: I object. There's a fact
15 not in evidence being asked of the witness. The
16 benefits do not flow from the number. The number
17 is usiputous and --

18 MS. SCANNELL: And the number is needed to
19 get the benefit.

20 THE COURT: I will allow it. You are being
21 repetitive. Try to bring it to a close, please.

22 You may answer.

23 A Would you repeat the question, please?

24 Q Do you think if you have to use this number
25 which you think is wrong to get benefits, do you think thereby

1
2 it's wrong to use it to get the benefits?

3 A Can you explain it a little bit more?

4 Q In other words --

5 A I understand the question. Can you come a little
6 bit more. I understand the question a little bit more, but
7 can you tell me a little bit more?

8 Q I am trying to get at whether you think it's
9 wrong for you to give your number, which you think is wrong,
10 to get benefits for yourself.

11 A Give my number, I don't think it's wrong, I
12 already got the number.

13 Q Do you think it's wrong to use it for benefit
14 purposes?

15 A No.

16 Q Now, are you familiar with the article that they
17 put into evidence? I believe you have a copy of the title,
18 "Gospel Tract Society, Inc." are you familiar with this
19 article (handing to witness)?

20 A Yes, I am.

21 Q Okay. Let me read to you a sentence from this
22 article. I want to ask you if you believe this.

23 Do you think "there is zealots in this country
24 and other countries, including the Rockefellers and their
25 counsel on foreign relations that would like to place all

1
2 nations under a one-world government and place all finances
3 and economic policie. the United States under the control
4 of the International Monetary Fund?"

5 A I can't answer that. I imagine it could be
6 true.

7 Q Okay. You carry money; right?

8 A Sure. What little I have, yeah.

9 Q Do you object to the fact that every dollar
10 bill has a serial number and a different serial number than
11 every other dollar bill?

12 A No. But I also know that there are remakes of
13 dollar bills. If one wears out they put a star next to it
14 and redo it.

15 Q Do you object to that system?

16 A No. That's just the monetary system.

17 Q So you think that numbers can be used for
18 certain purposes?

19 A Yeah.

20 Q Do you fear the control of the Government?

21 A Yes, I do.

22 Q Yet you will take benefits from the Government;
23 right? You don't fear that control.

24 A Well, if I am taking benefits from the Govern-
25 ment, that means the Government has control of me; right?

1
2 Q Yes. Do you take benefits despite that?

3 A Yes. As a control I would.

4 Q But you take benefits despite that. In other
5 words, you don't reject the benefits to avoid the control; is
6 that right?

7 A Well, like I say, if I lose this case I don't
8 have to check.

9 Q I'm talking about now. I am not talking about
10 if you lose this case. Have you rejected the benefits of the
11 Government?

12 A I'm rejecting it when they ask me for a social
13 security number.

14 Q Do you reject the benefits you get? Have you
15 rejected those when they asked you for your social security
16 number?

17 A No, I didn't reject it, because I have it already
18 -- the number.

19 Q When was the last permanent -- other than this
20 clamming, when was the last job that you had?

21 A I was just working for Eastern Fence out in
22 Patchogue and Wantagh.

23 Q And did that job terminate?

24 A Yeah.

25 Q Are you, at this time, presently medically fit

1
2 to work?

3 A Yeah. I'm working now.

4 MS. SCANNELL: Okay. I don't have any fur-
5 ther questions at this time.

6 THE COURT: No further questions?
7 Suffolk?

8 MR. CAMPO: No questions.

9 THE COURT: United States?

10 CROSS-EXAMINATION

11 BY MR. SCLAFANI:

12 Q Mr. Stevens, you testified that you objected
13 to the use of social security numbers because they were --
14 you used the two examples that you gave where they used them
15 in the Army when you were in the Army.

16 A No. I wasn't in the Army. Let me get that
17 out. I was in a Government program called the Job Corps.

18 Q When were you in that program?

19 A '66 and '69.

20 Q And you testified that was on your license?

21 A It's on my license now. I didn't have a --

22 Q Your driver's license?

23 A Yes.

24 Q Is it a New York State Driver's License?

25 A Yes.

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1
2 Q Do you have your driver's license on you now,
3 with you?

4 A No, I don't.

5 Q Do you --

6 MR. SCLAFANI: I would like the Court to take
7 judicial notice that social security numbers don't
8 appear on driver's license. If you care to look at
9 my driver's license or anyone else's driver's license
10 you will be able to see that. There are none.

11 Q But be that as it may, your objection, if I
12 characterize this, is your objection to the use of social
13 security numbers in this case that your children will be identified uniquely? In other words, nobody else will have that
14 number and that they will derive the benefits out of a number
15 that nobody else has? Is that an accurate statement?
16

17 A Yes. I guess so.

18 Q And that's the basis of your objection?

19 A Yeah.

20 Q So that if I give you another number which
21 wasn't a social security number but which only your children
22 had, which identified them and only them, and they couldn't
23 get benefits unless they had that number, would you object
24 to that number?

25 A I would have to think about it, but I would have

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to say, yes. I would have to really ponder on that.

Q Well, if I asked you at the time you applied for a social security benefits for your children, did you fill out any forms?

A I didn't apply for it. Apply for social security?

Q Excuse me. For Social Services. When you applied before the Social Services for benefits did you fill out any forms?

A Yes, I did.

Q And did you read all of the forms?

A We went over it pretty thoroughly, yes.

Q Pretty thoroughly?

A Yes.

Q If I show you one of those forms, will you be able to recognize it -- your signature? This is a re-certification application that was filled out and I believe --

THE COURT: Is it marked?

MR. SCLAFANI: I would like to mark this.

THE COURT: Give it to the Clerk.

THE CLERK: Defense Exhibit I for Identification.

THE COURT: Mark it in evidence.

THE CLERK: Defendant's Exhibit I in Evidence.

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Q Do you recognize this form (handing to witness)?

3

A Yeah. I think I do.

4

Q And that's your signature on the back?

5

A Yes, it is.

6

Q Could you tell me what appears in the upper

7

right hand corner of that form?

8

A The date -- I'm sorry the case number.

9

Q The case number. And what is that number?

10

A 9-24-56.

11

Q Do you know what a case number is?

12

A It's a record of a file.

13

Q Did you object to that number?

14

A No.

15

Q Do you know that that number is used to identify

16

you as opposed to anybody else that walks in the same way?

17

A Yes, I do.

18

Q And you don't object to that number?

19

A No.

20

Q You only object to it if it's a social security

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number in its place?

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A Yes.

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Q You also said that not everybody has a driver's

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license, and that was one of the reasons you didn't object

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to driver's licenses; is that correct?

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A Yeah.

Q If not everybody had a social security number,
would that make it less objectionable?

A Yes, it would.

Q Were you here in Court when Mr. Hickman testified
that he didn't have a social security number?

A I was sitting right over there.

Q But you contend that there isn't anybody else,
there are no other people that have no social security numbers?

A No. I didn't say that.

(Continued next page.)

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1
2 Q There are other people who don't have Social
3 Security numbers?

4 A I imagine so.

5 Q You said because everybody had them, that's
6 what you objected to, but now you recognize that not every-
7 body has them.

8 A Yeah, not everybody lives in the United States,
9 either.

10 Q Then why are they objectionable? You said
11 because everybody has them, but now you say that not every-
12 body has them.

13 A In this country everybody does. Almost every-
14 body in this country has them.

15 Q How many people would you say it would take
16 for it not to be objectionable?

17 A I can't give you a number like that; I wouldn't
18 be able to tell you that.

19 Q Well, if half of the people didn't have Social
20 Security numbers in this country, would that make it less
21 objectionable?

22 A That's kind of hard to say, really, because
23 it's still -- it would still be how I felt, really.

24 Q Well, would you say that-- Supposing I told
25 you that almost everybody that has--

MR. SCLAFANI: Well, I'll drop that line of

questioning. I think that's about all. Thank you very much.

REDIRECT EXAMINATION

BY MS. SCANNELL:

Q Mr. Stevens, would you object to this number if I told you that not only does this case number stay with you, but it represents your family unit?

A No.

Q No? Why? Don't you object to that?

THE COURT: Referring to Defendant's Exhibit I in evidence.

A I don't know. It just wouldn't bother me.

Q Why doesn't it bother you? It's a number. It's a unique number, and it represents the number of your family. Why doesn't it bother you?

A Because it doesn't. I can't answer you.

Q You say these Social Security numbers bother you because it's unique.

A No, because not everybody is on assistance either that has a Social Security number.

Q That has a Social Security number?

A That's right. Not everybody is on assistance. That has a Social Security number.

Q So what's the purpose of that? What difference

1
2 does that make, the fact that not everybody else who is on
3 assistance has a Social Security number? How do you know
4 that, anyway?

5 A How do I know that? Are you--

6 MR. MC EVILY: Your Honor, this is getting
7 to be totally irrelevant. The questions asked of
8 the witness would be better asked of a statistician
9 or a computer expert who could testify about it
10 universally. The plaintiff has based conclusions
11 on the religion. Counsel is asking questions
12 about an area where someone from ACLU should come
13 in and testify on. I am objecting on the ground
14 of Ballard v. U.S.

15 THE COURT: No, let's bring it to a close.
16 I think you have established the point sufficiently.

17 MS. SCANNELL: O.K. I just want to-- I don't
18 think I got an answer to my last question.

19 THE COURT: All right, you may rephrase it.

20 Q My question is, Why does the fact that this
21 number is a unique number and it represents a family and
22 will stay with the family while they're on public assist-
23 ance, why doesn't that bother you and Social Security does?

24 A Because I know it won't be with me for the
25 rest of my life.

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Q If you are on assistance, wouldn't it be with you?

A I hope not to be on assistance for the rest of my life.

Q You hope not to be on assistance for the rest of your life?

A Yeah.

Q But you feel that the Social Security number will be with you for the rest of your life?

A Definitely.

MS. SCANNELL: O.K., I have no further questions.

THE COURT: Thank you.

MR. MC EVILY: Your Honor, I have some recross.

THE COURT: Yes. All right, make it brief, please.

RE CROSS EXAMINATION

BY MR. MC EVILY:

Q Mr. Stevens, do you believe that the Social Security number that you have may be the Mark of the Beast referred to in the Book of Revelations?

A Yes, I do.

Q Do you believe that that mark can be removed from you once it is placed on you?

1
2 A No, I don't believe so.

3 Q Do you believe that mark can be removed from
4 your children, once you place it on your children?

5 A No.

6 Q Mr. Stevens, you just testified that you're
7 working now. I would like to clarify for the Court exactly
8 what you are doing.

9 A I am working for the State Transportation of
10 New York in Babylon.

11 Q Is it true that you are required by the Depart-
12 ment of Social Service, in order to "work off your grant,"
13 that you work for that department?

14 A Yes, it is.

15 Q Have you been advised by anyone at the Depart-
16 ment of Social Services that you have been placed on Welfare?

17 MS. SCANNELL: Your Honor, I object. I don't
18 see the relevance to this.

19 MR. MC EVILY: Your Honor, at the beginning
20 of the hearing the County suggested that one month
21 after the plaintiff submitted an application for
22 assistance that they were going to reject it. This
23 was the first notification we have had of that.

24 THE COURT: First of all, the witness doesn't
25 understand this, and get it straightened out among

1
2 the lawyers: I am not going to dismiss it as moot,
3 because I don't believe it is moot. Work it out.
4 Get the forms in and get it straightened out.

5 MR. MC EVILY: I have a few other questions,
6 your Honor.

7 Q Mr. Stevens, did you receive a check from the
8 Department of Social Services on September 1st?

9 A Yes.

10 Q Mr. Stevens, do you know what month are we in
11 right now?

12 THE COURT: Excuse me. Why bother with this?

13 MR. MC EVILY: I just would like some record.

14 THE COURT: Stipulate it; stipulate it.

15 MR. MC EVILY: Will the State and County
16 stipulate?

17 THE COURT: It's all a matter of record.
18 There's not going to be very much argument. Some-
19 thing is very reasonable on these things. Have the
20 witness step down.

21 All right, step down, sir. That will be all.
22 They will work it out.

23 Any further witnesses for the defendant?

24 MS. SCANNELL: I would like to recall Mrs.
25 Stevens.

1 THE COURT: No. For what purpose are you
2 going to go through her testimony?

3 MS. SCANNELL: Your Honor, I think that there
4 were a lot of things that were left unclear.

5 THE COURT: You had a full opportunity to
6 cross-examine.

7 MS. SCANNELL: Your Honor, I have some additional
8 questions.

9 THE COURT: What?

10 MS. SCANNELL: I want to ask her, in light of
11 her husband's testimony as to universality of the
12 number, in light of that testimony and some other
13 testimony of Mr. Stevens. I would like to ask Mrs.
14 Stevens some additional questions.

15 THE COURT: Denied.

16 Anything else for the defendants?

17 MS. SCANNELL: I would like to call Mr. Kaufman
18 as a defendant's witness.

19 THE COURT: Who's he?

20 MS. SCANNELL: Mr. Kaufman is the Deputy
21 Commissioner in the Department of Social Services.

22 THE COURT: Certainly. Of course.

23
24 W I L L I A M K A U F M A N, having first been
25 duly sworn by the Clerk of the Court, was examined

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and testified as follows:

THE CLERK: State your full name, please.

THE WITNESS: William Kaufman.

THE CLERK: Spell it, please.

THE WITNESS: K-a-u-f-m-a-n.

DIRECT EXAMINATION

BY MS. SCANNELL:

Q Now, Mr. Kaufman, can you tell this Court your title.

A Yes, it's Assistant Commissioner in Charge of Field Operations for the New York State Department of Social Services.

Q And could you explain to the Court your background in the Department? You know, your experience.

A Well, in the interest of brevity, starting in 1951 as a case worker, moving through the competitive civil service system, by promotion to the position I hold now as Assistant Commissioner.

Q Have you also had experience with Suffolk County, per se?

A Yes, for quite a number of years in various positions. I guess for about ten years now.

Q O.K. Could you tell us the approximate size of the public assistance system in New York? The number of

1
2 people on the cases.

3 A The number of persons is probably about
4 1,400,000-some-odd. The number of persons and the number
5 of cases, over 524,000, I believe, by last count.

6 Q So it's a large system, in other words,
7 compared to others?

8 A Very large, yes.

9 Q O.K. Has the system grown in the last ten
10 years or so?

11 A I would say that in the past decade it may
12 have actually tripled, close to that. We are talking about
13 a period, '64 or '65, which total number of people might
14 have been the 600,000 range, and we are now talking about
15 the system which is close to a million and a half.

16 Q Can you explain for this Court the difference
17 between the Federal and State assistance, you know, like--
18 Let me take an example -- of federal aid to dependent
19 children and home relief.

20 A Yes, I will try briefly.

21 Q Briefly, yes.

22 A If it's not clear, you can let me know.

23 First, very significant difference to us in
24 this time of fiscal constraint, is that if we can qualify
25 somebody for a federal category, we receive federal dollars

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2 to the state and to the locality, in this case, Suffolk,
3 starting at somewhere in the range of fifty percent.

4 Actually, fifty percent is good enough for public assistance
5 grant on a percentage basis. The Federal Government up--
6 well, now at this point has only the assistance to families
7 with dependent children that we directly administer in the
8 state.

x 9 There is also the supplemental security
10 income program, which they administer directly, but to which
11 we actually contribute money, which assists the aged and
12 the blind and disabled, and until 1974 we administered that
13 program as well.

14 (Continued on the next page.)
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2 Q O.K. When somebody applies for aid, can you
3 explain the process that they go through to determine which
4 category they are going?

5 A Yes, the system is that of a need based system.
6 In other words, one of the first things that has to be de-
7 termined is whether or not according to the standard of needs
8 set by the State Legislature the person has insufficient
9 resources or income, and they are declared needy.

10 After they are declared needy, there are a
11 variety of eligibility requirements, such as need if you're
12 employable, to seek a job. Let's say one of them.

13 In terms of the federal category, which is
14 particularly significant, you have to demonstrate that the
15 children in the case have been deprived of support or care
16 through such things as the absence or disability or other
17 deprivation of one or both parents.

18 Q O.K. Do they use a one-application form for
19 both the federal and the state?

20 A Yes.

21 Q In other words, do they have to make out this
22 application prior to-- is this prior to determining which
23 category they go under?

24 A Well, the application is made out many times
25 prior to the recipient actually coming to the center and

1
2 being interviewed, at which time the center personnel will
3 use the same application and annotate it with further dis-
4 cussions they have based upon the written statement of the
5 recipient.

6 Subsequent to determining need and certain
7 universal eligibility factors, they are then under very
8 strong mandate from the State--and we audit these regularly
9 to determine whether or not there is a possibility of
10 securing federal reimbursement, and if there is, they are
11 mandated to secure that category.

12 Q So initially they don't know whether they are
13 in a federal or state category?

14 A No.

15 Q And you make an effort to get them first into
16 a federal category rather than only in a state category;
17 is that right?

18 A The initial effort immediately subsequent
19 to establishing need is to see whether or not we can maxi-
20 mize federal reimbursement.

21 Q O.K. Does federal law require the Social
22 Security number of each recipient and/or applicant in one
23 of these federal-sponsored programs?

24 A Yes, it does.

25 Q Does state law, to your knowledge, require

1
2 that?

3 A Yes, it does.

4 Q O.K. Now, is a child entitled to receive
5 public assistance independent of the-- either the father
6 or the mother parent?

7 A Well, the basic purpose of the grant, the
8 federal category, is for the child.

9 Now, he can receive it even if his parents
10 are not living or both missing.

11 There are a host of other relatives, and
12 I am not certain of this, but certainly down through aunt,
13 uncle, I think it may even include cousins if the blood
14 line is clear, but definitely there are a variety of
15 relatives who can be the payee for that child.

16 Q And do they have controls to make sure that
17 the money does go to the benefit of the child? Do you
18 have a checkup on it?

19 A Yes. Not only do we have the power, obviously
20 mandated to us, and we do that in a variety of ways, in-
21 cluding our bureau, which provides on-the-scene technical
22 assistance and consultation to the agencies while they are
23 implementing new laws, and we have a rather large audit
24 division, and I might say in addition to that, we also
25 have the Comptroller's office, which has a separate

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auditor's division at the HEW audit division, and the
GAO--

Q Now, if they don't give the Social Security
for one of these federally sponsored programs, what is
the sanction that the Federal Government has?

A Discontinue its assistance.

Q O.K. Now tell me something. How do home
relief benefits break up? In other words, do you get more
money if you have more children? If you have five children
you get more than if you have two children?

A The grant definitely depends upon the case
composition, and as I said, that's actually in the law.
For example, a pre-ed allowance of \$258 is what a family
of four can expect to get, plus shelter allowance up to
a maximum standard that's been imposed not too long ago.

Occasionally some utility payments are
included. Special other arrangements.

Basically, it does increase possibly \$50 per
child. I am not positive.

Q O.K. Does it ever happen that a family will
switch back based upon their needs from a federally
sponsored program to a state program like home relief? All
of a sudden something changes, and they go to an aid for
dependent children?

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2 A Yes.

3 Q Can you give some examples of when that might
4 happen?

5 A It can happen if the parents deserted. If it's
6 a home relief family, and he deserts, he goes into an
7 agency category. If he subsequently returns, and we know
8 about it, he goes to the home relief category. If a child
9 between 16 or 21 in the home is the only child, but drops
10 out of school, that family is no longer eligible for the
11 ADC grant and has to be returned to the home relief category,
12 and there are a variety of such divisions, but it does
13 happen regularly.

14 The review we did recently -- I think in
15 Suffolk, there was 86 changes from the home relief to the
16 ADC category, in which recent month I don't really know about.

17 Q Can you tell me, in the administration of your
18 program are the Social Security numbers necessary for identi-
19 fication?

20 A Absolutely vital.

21 Q O.K. Can you give me an example? Have you
22 ever had an experience of where an example of what happens
23 when you don't have a Social Security number and you are
24 trying to find somebody within the system?

25 A Oh, yes, many times. Most recent one which

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2 made the front page of the Sunday Times, recently another
3 federal case involved, I guess an attack by the plaintiffs
4 on the supplemental security income system, because of an
5 attempt to recoup payments from a recipient whose name--
6 if I may just use for the record "Mr. Jones," and it refer-
7 red to the fact that he received public assistance through
8 the state system because there is a certain slowness in
9 identifying federal benefits, and we have to provide home
10 relief emergency or temporary need to that person.

11 What became clear to us from the only facts
12 that we had, was that there was a rather large recoupment
13 possibility of rather large legal settlement, all of which
14 should have been to repay the Federal Office for what
15 essentially was a loan.

16 We have rather extensive initial EDP or
17 data processing capabilities, at this point.

18 We took the address and name and attempted
19 to find that name in our files.

20 The response I got back on the cathode ray
21 display, it advised me there are eighty Mr. Joneses with
22 exactly the same first name. None of them were at the address
23 given in the newspaper. We were, within the next few days,
24 able to find the Social Security number, after which it was
25 a matter of two minutes to identify the case.

225

1
2 The counsel of the local jurisdiction is now
3 looking into this, because it is clear that a recoupment
4 action is in order.

5 If I may, another example which I think is
6 more related to this, Suffolk County has been in close touch
7 with us in broad matching programs we do.

8 I wasn't here for the whole testimony, but
9 I did understand Mr. Stevens to say at one time when he
10 was not with his family --

11 MR. MC EVILY: Would you please speak into
12 the mike? I'm having trouble hearing you.

13 A (Continuing) If I understood correctly,
14 Mr. Stevens did indicate that at one time he was not with
15 his family, and the family was receiving what I assumed
16 had to be aid to dependent children.

17 At that time he was working for Pilgrim State.
18 We now have a system in which we have enabled Suffolk
19 County to match against state payroll public assistance
20 roll.

21 The last such match as reported to us by
22 Commissioner Kirby identified 388 names that were simul-
23 taneously receiving public assistance and working.

24 It's quite clear that had such a match been
25 in order at that time, having had Social Security numbers,

1
2 and matched against the payroll, that it would immediately
3 be obvious that Mr. Stevens would have been working for
4 Pilgrim State, whether we knew of his whereabouts or not.

5 There's another story. We could then obviously
6 get in touch with him, re-unite the family, or else see
7 that appropriate support was secured. That's done on a
8 rather broad basis throughout the state, and as a matter
9 of fact, we are planning to do it on an even broader
10 basis.

11 The Legislature has made it clear that it is
12 overriding to them that we use the welfare eligibility
13 file, and we use this to seek out fraud or whatever possi-
14 bilities there are.

15 (Continued on the next page.)
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2 Q So in that fact situation there you say you
3 have a wife receiving aid and a husband working, he would
4 be liable for support payments; is that right?

5 A Yes.

6 Q Would you explain some other general identi-
7 fication, the Social Security number, the problems that would
8 arise if you didn't have them?

9 A Aside from the fraud aspects, and I believe
10 from what I have read that's the basic concern that the
11 Federal Government had when they required the full Social
12 Security number of everyone. We are concerned -- need have
13 the recipient or applicant based upon the benefit that he
14 received -- it's from work-related benefits, insurance,
15 supplemental security, income not work related, public employ-
16 ment, private employment, and the largest single identifier
17 we know of which can be used from jurisdiction to jurisdiction,
18 state to state, is the Social Security number and we have
19 used it successfully to match most of the public assistance
20 load where we started demonstration programs there, and we
21 have used it successfully. And it is used to match supple-
22 mental rolls and a variety of other things.

23 Q We will get into the matching.

24 Have you ever tried, do you go on a computer basis
25 now?

1

2

A Whatever we can.

3

4

Q Have you ever tried to use the computer for identifying names and addresses?

5

A Yes.

3

Q What happened?

7

A We have one heck of a time.

8

Q Can you give me some of the reasons?

9

A I can tell you a few of the things my computer experts have said.

11

MR. MC EVILY: Objection.

12

THE COURT: Overruled.

13

A The system is very rapid and it only knows what it receives. Therefore, if the input for the machine, the address is listed as Five Av. as opposed to Avenue, spelled out, you wouldn't get an accurate map.

17

They have tried a variety of systems, converting the numbers to some other systems such as sound detection where each name is put in a sound detection system to identify.

20

It's cumbersome and inaccurate.

21

Q Do you have problems with duplication of names like names repeated?

23

A Yes.

24

Q Do you also have problems with people changing their address?

25

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2

A Yes, quite often.

3

4

Q Could you explain to this Court what matching is? I don't think it's quite clear to everybody?

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A Perhaps a couple of examples: Suffolk and Nassau County; they are neighbors. They have matched the public assistance payrolls by Social Security number against each other. They have come up with duplicates which had to be investigated and there were some cases which would imply in both counties they were receiving assistance from both counties. When we follow up complete identification work we will have the basic eligibility file that will have this type of information and allow us to do that same sort of thing throughout the state.

15

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The instance of the Pilgrim State situation which is a state institution, therefore, state employees, public assistance payroll by social security number will run against the social security number of people at Pilgrim State which turned up close to 400 matches which means it's there as unreported income or erroneous income and awaiting results.

21

22

23

Q When you find a match you find someone for whatever reason is getting money that he or she shouldn't be getting?

24

25

A It's getting a grant of public assistance without reporting income to us or having an income incorrectly

1
2 reported.

3 Q Do you have problems with fraud in the system
4 or people getting money they don't deserve?

5 A Enormous problems.

6 Q Can you give some examples?

7 A I can do that, but briefly in terms of over-
8 payments and ineligibility on the audits being done under
9 federal sponsorship, we have run over the past couple of years
10 ten percent ineligibility rate somewhere in the neighborhood
11 of 20 or 21 percent error rate.

12 That is a substantially sizeable investment of public
13 funds which is really going down the drain. The manpower is
14 insufficient to pick it up and our efforts are geared to do
15 whatever we can.

16 Technology has to offer us something to make this
17 a system where we almost might need one investigator per case
18 which couldn't be supported.

19 Q You don't think identification could be
20 controlled by the case worker on a case-by-case basis?

21 A It would be almost an impossibility. Given
22 the physical constraints, it is impossibel to put on the kind
23 work force that can keep up with the changes that occur.

24 We mandate two what we call "recertification inter-
25 views" each year, to get up whatever changes occur. We

1 have started to use mail-out questionnaires processed numeri-
2 cally to try to get at changes which occur in between.
3

4 In many cases they are hidden and it may be because
5 the client may not have been fully aware what he was to report
6 In either of those instances it is an expenditure of Govern-
7 mental funds not warranted.

8 Q Is the matching done by Social Security numbers?

9 A Yes.

10 Q Has it helped in controlling or catching cases
11 where people have either tried to defraud the system or for
12 whatever reason gotten more money than they were entitled to?

13 A Yes, without doubt. One of the more recent
14 ones we are doing now is the unemployment roll based on
15 Social Security numbers etc.

16 It is now being done in the City and we are developin
17 administrative levels to spread that statewide. So we can
18 match what people have been getting on unemployment insurance
19 an income -- where that income is not reported.

20 Q Do you have problems where people in addition
21 to unreported income claim more children than they have and
22 get more money?

23 A There is sometimes, yes. We have had cases
24 where we have found the people were claiming more children
25 than they actually had, and that could include cases where

1
2 people leave home, join the army or live with another rela-
3 tive.

4 Q Do you think that Social Security numbers are
5 important in the administration and in preventing fraud in
6 this system, public assistance system?

7 A Absolutely.

8 Q Do you think without any system of numbers this
9 system could be effected effectively?

10 A No.

11 Q Since your familiar with suffolk County, do
12 they have a large case-load or a large number of people
13 receiving public assistance?

14 A This may be a couple of months old, but it is
15 something like 52,000 or 53,000 people and 17,000 cases.
16 I am referring only to the public assistance case-load.

17 Additional large numbers who receive Medicaid and
18 people who receive food stamps who don't have to be eligible
19 for public assistance so the numbers grow rapidly and it is
20 almost more important we use the same kind of system of iden-
21 tification in matching Medicaid which has outstripped the
22 public assistance payments in terms of what the total amount
23 expended is.

24 Q To your knowledge, does the Federal Government
25

1
2 use Social Security numbers in its identification of public
3 assistance programs in its identification?

4 A Yes, they do. All their benefit programs that
5 I know of and particularly the one of public assistance
6 program is the supplemental program which is paid irrespective
7 of insurance system.

8 That's based on need. When they converted the case-
9 load there were some people who didn't have numbers.

10 Q That also added to children?

11 A Yes.

12 Q Do you think that state system of public assis-
13 tance is bound in other words, bound to the Federal program;
14 are they intertwined in its administration?

15 A Absolutely. We are dependent upon them for
16 the regulations basic law, Social Security guidelines for
17 that. There are very extensive regulations which interpret
18 certain technical details of the law and how to administer
19 them.

20 Q Do you know how much money they pay out in
21 New York each year in public assistance?

22 A The total public assistance bill has gone--
23 it's grown so rapidly -- but it's well over \$4,000,000,000.

24 MS. SCANNELL: I have no further questions.

25 Thank you.

1 THE COURT: Suffolk?

2 MR. CAMPO: No questions.

3 MR. SCLAFANI: No questions.

4 THE COURT: Mr. McEvily, make it brief please.

5 MR. MC EVILY: May I ask the State if it
6 intends to present a computer programmer as an expert?

7 MR. CAMPO: The County of Suffolk had intended
8 to but he is ill and will not be here today.

9 THE COURT: We don't need a computer pro-
10 grammer. It is all obvious.

11 Is this the last witness for the defendant?

12 MS. SCANNELL: This is the only witness for
13 us.

14 CROSS-EXAMINATION

15 BY MR. MC EVILY:

16 Q Do you have any knowledge or experience in
17 computer technology?

18 A No.

19 Q Do you have any experience with the Suffolk
20 County Social Service or New York State Department of Social
21 Services with regard to whether or not they ever attempted
22 to program their computer to match, not on the basis of
23 Social Security numbers but on the basis of name, address and
24 birth date?
25

2 A What do you mean, initially?

3 Q Did anyone ever attempt to program the computers
4 at any point in time rather than match by Social Security
5 number to match by name address and birth date?

6 A Let me explain that --

7 THE COURT: Don't bother. It's obvious as
8 can be. Why waste your time. It's easier to do it
9 this way and it has enormous advantages. You won't
10 convince me otherwise.

11 MR. MC EVILY: The Social Security number matching
12 system may be more efficient.

13 THE COURT: That's all it is.

14 MR. MC EVILY: It's not the only way to match
15 the information that the department seeks to match.

16 THE COURT: It is the most efficient way and
17 will reveal more fraud than any other system. We
18 all know that. We all live in a real world.

19 MR. MC EVILY: I will have to continue my
20 line of questioning. I don't believe it will reveal
21 more fraud. A cross-indexing on name, address, and
22 birth date could reveal more fraud.

23 Q How does the recipient of your agency receive
24 money?

25 A By check, cash sometimes.

2 Q Typically in the vast amount of cases aren't
3 the checks mailed to the individual's home?

4 A Yes.

5 Q You previously testified that part of the
6 reason that the State and County requires Social Security
7 numbers is to prevent fraud?

8 A Yes.

9 Q Is a more accurate statement that the number's
10 required, not to prevent fraud, but to catch people who may
11 be defrauding the Department of Social Services?

12 MS. SCANNELL: Objection.

13 THE COURT: Sustained.

14 Q Are you familiar with the New York State
15 Penal Code with regard to grand larceny?

16 A No.

17 Q Are you familiar with the Social Services Law
18 with regard to being a misdemeanor to take services from the
19 Department of Social Services when you are not eligible
20 to receive it?

21 MS. SCANNELL: I object.

22 THE COURT: Sustained.

23 MR. MC EVILY: I request the Court to take
24 judicial notice of the New York State Penal Law and
25 Sanctions as they regard to fraud and --

1 THE COURT: Also the Federal law. There are
2 lots of laws against fraud and there is enormous fraud.
3 We all know this.
4

5 MR. MC EVILY: This requirement of Social
6 Security numbers doesn't prevent fraud --

7 THE COURT: Obviously, but it limits it. It
8 also acts as a deterrent. There is not doubt about
9 it. There is no sense in contesting the obvious.
10 It's a lot better from the point of view of the
11 State to have Social Security numbers in addition to
12 everything else.

13 You are not going to win your case by beating
14 obvious points like that.

15 MR. MC EVILY: The Privacy Study Commission
16 and memorandum dated October 22 --

17 THE COURT: Furnish me with a copy and I will
18 take notice of it. Mark it.

19 MR. MC EVILY: I direct your attention to
20 Page 7, the fourth full paragraph.

21 THE COURT: Mark it. Any documents you want,
22 I will take. Show them to your opponent. I will
23 take documents from either side.

24 Mark them in evidence.

25 THE CLERK: Plaintiff's Exhibit 4 in evidence.

1 THE COURT: Make sure I have copies of every-
2 thing.
3

4 Do you have any further questions of this
5 witness?
6

7 MR. MC EVILY: Most of them arise from the
8 document that counsel is reading right now.
9

10 THE COURT: What else do you want to get from
11 him? He's stated the obvious.
12

13 MR. MC EVILY: Yes, your Honor. According
14 to the Privacy Study Commission there are 6,000,000
15 people in the United States with more than one Social
16 Security number.
17

18 THE COURT: Any system that you devise --
19 others will devise ways to circumvent them.
20

21 MR. MC EVILY: You take judicial notice that
22 there are 6,000,000 people in the United States with
23 duplicate Social Security numbers?
24

25 THE COURT: I don't know if it's 6,000,000.
They don't know either. There are lots of people
with duplicate Social Security numbers. There are
people with duplicate motor vehicle numbers, dupli-
cate everything and there are all kinds of fraud in
any way you can think of avoiding fraud, there will
be somebody here on trial for trying to beat the

1
2 system.

3 We all know that. This is obvious. I am
4 sure the doctor sitting in the courtroom would be
5 able to tell us that was true in Nero's time too.

6 I am going to assume for the purpose of this
7 case what is obvious that there is a good reason for
8 the Government to want these numbers and it does
9 assist the Government in keeping records and in re-
10 ducing fraud somewhat.

11 You just couldn't contest it. Why bother with
12 it?

13 MR. MCEVILY: It's important for the plaintiff's
14 position at this point to note there is an alternative
15 means.

16 THE COURT: there is no question about that.
17 A more expensive means; they may have options on what
18 they want to do best.

19 Your problem here is you have a conflict be-
20 tween Caesar and God. The question is what happend
21 under the First Amendment. It's a clear-cut conflict.
22 There is no doubt about it.

23 You are not going to prove that Caesar has no
24 interest.

25 MR. MCEVILY: I have no further questions.

2 THE COURT: Thank you. Step down -- one
3 question.

4 Of the 1,400,000 people approximately receiving
5 relief in the State of New York, how many in addition
6 to these four children have refused to obtain Social
7 Security numbers as a basis for relief on religious
8 grounds.

9 THE WITNESS: Of my own knowledge, I know of
10 none.

11 THE COURT: I will assume for the purpose of
12 this case there are only four instances involving
13 young minors in the State of New York out of 1,400,000
14 people approximately. Thank you.

15 Anything further?

16 MS. SCANNELL: At this time I would like to
17 move to dismiss.

18 THE COURT: Denied.

19 MR. CAMPO: I join in the motion.

20 THE COURT: Denied. I assume if the Government
21 becomes a party they will make a similar motion?

22 MS. SCANNELL: Yes.

23 THE COURT: Denied. How much time do you want
24 for briefs? You will need a full record.

25 MR. MC EVILY: How long will it take to get

the record?

THE COURT: That you will have to work out. I see -- are you getting daily copy on this?

MS. SCANNELL: Yes.

THE COURT: Well, you will have it within a few days. Didn't I ask you to brief some other point? Yes, the Federal Government is a friend of the Court and others are going to brief the legislative history with respect particularly, and if there is any legislation or regulation particularly with respect to Social Security and members of the clergy.

MS. SCANNELL: Yes, especially clergy.

THE COURT: And any other legislative history on this point. That will be very valuable. How much time do you want for the briefs? It is an interesting question and the decision is reserved.

MR. MC EVILY: Initially, I would like to receive a brief from the County and/or the State and Federal Government to have and I --

THE COURT: Well, it's sufficiently clear. How much time do you need to put this all together?

MS. SCANNELL: I need about two weeks.

THE COURT: You can have all the time you want.

MS. SCANNELL: I think three to four weeks.

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THE COURT: Both sides have a month to submit²⁶⁵
briefs and two weeks thereafter to reply.

Is that satisfactory?

MS SCANNELL: Yes.

THE COURT: You will get me a copy of the
reporter's notes, put it in the file and unless
the reporters object, plaintiffs have no money here
at all, apparently, you can use the Court file.

Normally we don't permit it because it is
unfair to the reporters. Are you donating your
services?

MR. MC EVILY: Yes sir, no charge.

THE COURT: All right. Then we will do it
that way.

THE COURT: Any objection from the reporter?

THE REPORTER: No, your Honor

* * *

1400 Heavenly Peace.
1401 God's Power.
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thanks, O Lord God Almighty, which art, and wast, and art to come; because thou hast taken to thee thy great power, and hast reigned.

15 And the nations were angry, and thy wrath is come, and the time of the dead, that they should be judged, and that thou shouldest give reward unto thy servants the prophets, and to the saints, and them that fear thy name, small and great; and shouldest destroy them which destroy the earth.

16 And the temple of God was opened in heaven, and there was seen in his temple the ark of his testament: and there were lightnings, and voices, and thunderings, and an earthquake, and great hail.

CHAPTER 12
A woman clothed with the sun, etc.

AND there appeared a great wonder in heaven; a woman clothed with the sun, and the moon under her feet, and upon her head a crown of twelve stars:

2 And she being with child cried, travailing in birth, and pained to be delivered.

3 And there appeared another wonder in heaven; and behold a great red dragon, having seven heads and ten horns, and seven crowns upon his heads.

4 And his tail drew the third part of the stars of heaven, and did cast them to the earth: and the dragon stood before the woman which was ready to be delivered, for to devour her child as soon as it was born.

5 And she brought forth a man child, who was to rule all nations with a rod of iron: and her child was caught up unto God, and to his throne.

6 And the woman fled into the wilderness, where she hath a place prepared of God, that they should feed her there a thousand two hundred and threescore days.

7 And there was war in heaven: Michael and his angels fought against the dragon; and the dragon fought and his angels.

8 And prevailed not; neither was their place found any more in heaven.

9 And the great dragon was cast out, that old serpent, called the Devil, and Satan, which deceiveth the whole world: he was cast out into the earth, and

his angels were cast out with him.

10 And I heard a loud voice saying in heaven, Now is come salvation, and strength, and the kingdom of our God, and the power of his Christ: for the accuser of our brethren is cast down, which accused them before our God day and night.

11 And they overcame him by the blood of the Lamb, and by the word of their testimony; and they loved not their lives unto the death.

12 Therefore rejoice ye heavens, and ye that dwell in them. Woe to the inhabitants of the earth and of the sea! for the devil is come down unto you, having great wrath, because he knoweth that he hath but a short time.

13 And when the dragon saw that he was cast unto the earth, he persecuted the woman which brought forth the man child.

14 And to the woman were given two wings of a great eagle, that she might fly into the wilderness, into her place, where she is nourished for a time, and times, and half a time, from the face of the serpent.

15 And the serpent cast out of his mouth water as a flood after the woman, that he might cause her to be carried away of the flood.

16 And the earth helped the woman, and the earth opened her mouth, and swallowed up the flood which the dragon cast out of his mouth.

17 And the dragon was wrath with the woman, and went to make war with the remnant of her seed, which keep the commandments of God, and have the testimony of Jesus Christ.

CHAPTER 13
The beast with seven heads and ten horns.

AND I stood upon the sand of the sea, and saw a beast rise up out of the sea, having seven heads and ten horns, and upon his horns ten crowns, and upon his heads the name of blasphemy.

2 And the beast which I saw was like unto a leopard, and his feet were as the feet of a bear, and his mouth as the mouth of a lion: and the dragon gave him his power, and his seat, and great authority.

3 And I saw one of his heads as it were wounded to death:

4 And the beast which I saw was like unto a leopard, and his feet were as the feet of a bear, and his mouth as the mouth of a lion: and the dragon gave him his power, and his seat, and great authority.

5 And I saw one of his heads as it were wounded to death:

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13 And I saw one of his heads as it were wounded to death:

147 Fallen Angels.
The Triumph of God's Kingdom Foretold.
3123 Salvation Promised.
3000 God's Kingdom.
3079 Christ, Victor. ch. 19. 6.
741 Sp. Brothers.
3151 Satan's Work.
374 Overcomers, ch. 21. 7.
3079 Christ, the Lamb.
3000 Testimony (2). ch. 19. 6.
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4 And they worshipped the dragon which gave power unto the beast: and they worshipped the beast, saying, Who is like unto the beast? who is able to make war with him?

5 And there was given unto him a mouth speaking great things and blasphemies; and power was given unto him to continue forty and two months.

6 And he opened his mouth in blasphemy against God, to blaspheme his name, and his tabernacle, and them that dwell in heaven.

7 And it was given unto him to make war with the saints, and to overcome them: and power was given him over all kindreds, and tongues, and nations.

8 And all that dwell upon the earth shall worship him, whose names are not written in the book of life of the Lamb slain from the foundation of the world.

9 If any man have an ear, let him hear.
10 He that leadeth into captivity shall go into captivity: he that killeth with the sword must be killed with the sword. Here is the patience and the faith of the saints.

11 And I beheld another beast coming up out of the earth: and he had two horns like a lamb, and he spake as a dragon.

12 And he exerciseth all the power of the first beast before him, and causeth the earth and them which dwell therein to worship the first beast, whose deadly wound was healed.

13 And he doeth great wonders, so that he maketh fire come down from heaven upon the earth in the sight of men.

14 And deceiveth them that dwell on the earth by the means of those miracles which he had power to do in the sight of the beast: saying to them that dwell on the earth, that they should make an image to the beast, which had the wound by a sword, and did live.

15 And he had power to give life unto the image of the beast, so that the image of the beast should both speak, and cause that as many as would worship the image of the beast should be killed.

16 And he causeth all, both small and great, rich and poor,

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loud voice, if any man worship the beast and his image, and receive his mark in his forehead, or in his hand,
10 The same shall drink of the wine of the wrath of God, which is poured out without mixture into the cup of his indignation; and he shall be tormented with fire and brimstone in the presence of the holy angels, and in the presence of the Lamb:
11 And the smoke of their torment ascendeth up for ever and ever: and they have no rest day nor night, who worship the beast and his image, and whosoever receiveth the mark of his name.
12 Here is the patience of the saints: here are they that keep the commandments of God, and the faith of Jesus.
13 And I heard a voice from heaven saying unto me, Write, Blessed are the dead which die in the Lord from henceforth: Yea, saith the Spirit, that they may rest from their labours; and their works do follow them.
14 And I looked, and behold a white cloud, and upon the cloud one sat like unto the Son of man, having on his head a golden crown, and in his hand a sharp sickle.
15 And another angel came out of the temple, crying with a loud voice to him that sat on the cloud, Thrust in thy sickle, and reap: for the time is come for thee to reap; for the harvest of the earth is ripe.
16 And he that sat on the cloud thrust in his sickle on the earth; and the earth was reaped.
17 And another angel came out of the temple which is in heaven, he also having a sharp sickle.
18 And another angel came out from the altar, which had power over fire; and cried with a loud cry to him that had the sharp sickle, saying, Thrust in thy sharp sickle, and gather the clusters of the vine of the earth; for her grapes are fully ripe.
19 And the angel thrust in his sickle into the earth, and gathered the vine of the earth, and cast it into the great wine-press of the wrath of God.
20 And the winepress was trodden without the city, and blood came out of the wine-press, even unto the horse-bri-

des, by the space of a thousand and six hundred furlongs.

CHAPTER 15
The seven last plagues, etc.

AND I saw another sign in heaven, great and marvelous, seven angels having the seven last plagues; for in them is filled up the wrath of God.
2 And I saw as it were a sea of glass mingled with fire: and them that had gotten the victory over the beast, and over his image, and over his mark, and over the number of his name, stand on the sea of glass, having the harps of God.
3 And they sing the song of Moses the servant of God, and the song of the Lamb, saying, Great and marvelous are thy works, Lord God Almighty: just and true are thy ways, thou King of saints.
4 Who shall not fear thee, O Lord, and glorify thy name: for thou only art holy: for all nations shall come and worship before thee; for thy judgments are made manifest.
5 And after that I looked, and behold, the temple of the tabernacle of the testimony in heaven was opened:
6 And the seven angels came out of the temple, having the seven plagues, clothed in pure and white linen, and having their breasts girded with golden girdles.
7 And one of the four beasts gave unto the seven angels seven golden vials full of the wrath of God, who liveth for ever and ever.
8 And the temple was filled with smoke from the glory of God, and from his power; and no man was able to enter in to the temple, till the seven plagues of the seven angels were fulfilled.

CHAPTER 16
The angels pour out their vials.

AND I heard a great voice out of the temple saying to the seven angels, Go your ways, and pour out the vials of the wrath of God upon the earth.
2 And the first went, and poured out his vial upon the earth; and there fell a noisome and grievous sore upon the men which had the mark of the beast, and upon them which worshipped his image.
3 And the second angel poured out his vial upon the sea; and

the water became blood, and every living soul died in the sea.
4 And the third angel poured out his vial upon the rivers and fountains of waters; and they became blood.
5 And I heard the angel of the waters say, Thou art righteous, O Lord, which art, and wast, and shalt be, because thou hast judged thus.
6 For they have shed the blood of saints and prophets, and thou hast given them blood to drink; for they are worthy.
7 And I heard another out of the altar say, Even so, Lord God Almighty, true and right are thy judgments.
8 And the fourth angel poured out his vial upon the sun; and power was given unto him to scorch men with fire.
9 And men were scorched with great heat, and blasphemed the name of God, which hath power over these plagues: and they repented not to give him glory.
10 And the fifth angel poured out his vial upon the seat of the beast; and his kingdom was full of darkness; and they gnawed their tongues for pain, and they blasphemed the God of heaven because of their pains and their sores, and repented not of their deeds.
11 And the sixth angel poured out his vial upon the great river Euphrates; and the water thereof was dried up, that the way of the kings of the east might be prepared.
12 And I saw three unclean spirits like frogs come out of the mouth of the dragon, and out of the mouth of the beast, and out of the mouth of the false prophet.
13 For they are the spirits of devils, working miracles, which go forth unto the kings of the earth and of the whole world, to gather them to the battle of that great day of God Almighty.
14 Behold, I come as a thief, and no man knoweth my coming, but I will be with them, and will keep them naked, and they shall be as the wind that blows, and as the chaff that is blown away by the storm.
15 And the seventh angel poured out his vial into the air; and there came a great voice out of the temple of

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14 And the armies which
were in heaven followed him
upon white horses, clothed in
fine linen, white and clean.

15 And out of his mouth
goeth a sharp sword, that with
it he should smite the nations:

and he shall rule them with a
rod of iron: and he treadeth
the winepress of the fierceness
and wrath of Almighty God.

16 And he hath on his vest-
ment, and on his thigh a name
written, KING OF KINGS,
AND LORD OF LORDS.

17 And I saw an angel stand-
ing in the sun; and he cried
with a loud voice, saying to all
the fowls that fly in the midst
of heaven, Come and gather
yourselves together unto the
supper of the great God;

18 That ye may eat the flesh
of kings, and the flesh of cap-
tains, and the flesh of mighty
men, and the flesh of horses,
and of them that sit on them,
and the flesh of all men, both
free and bond, both small and
great.

19 And I saw the beast, and
the kings of the earth, and their
armies, gathered together to
make war against him that sat
on the horse, and against his
army.

20 And the beast was taken,
and with him the false
prophet that wrought miracles
before him, with which he de-
ceived them that had received
the mark of the beast, and
them that worshipped his im-
age. These both were cast
alive into a lake of fire burn-
ing with brimstone.

21 And the remnant were
slain with the sword of him
that sat upon the horse, which
sword proceeded out of his
mouth: and all the fowls were
filled with their flesh.

CHAPTER 20

Of the first resurrection, etc.

AND I saw an angel com-
ing down from heaven, hav-
ing the key of the bottomless
pit, and a great chain in his
hand.

2 And he laid hold on the
dragon, that old serpent, which
is the Devil, and Satan, and
bound him a thousand years,

3 And cast him into the bot-
tomless pit, and shut him up,
and set a seal upon him, that
he should deceive the nations
no more, till the thousand years
should be fulfilled: and after

that he must be loosed a little
season.

4 And I saw thrones, and they
sat upon them, and judgment
was given unto them: and I
saw the souls of them that
were beheaded for the witness
of Jesus, and for the word of
God, and which had not wor-
shipped the beast, neither his
image, neither had received his
mark upon their foreheads, or
in their hands; and they lived
and reigned with Christ a thou-
sand years.

5 But the rest of the dead
lived not again until the thou-
sand years were finished. This
is the first resurrection.

6 Blessed and holy is he that
hath part in the first resurrec-
tion: on such the second death
hath no power, but they shall
be priests of God and of Christ,
and shall reign with him a
thousand years.

7 And when the thousand
years are expired, Satan shall
be loosed out of his prison,

8 And shall go out to deceive
the nations which are in the
four quarters of the earth, Gog
and Magog, to gather them to-
gether to battle: the number
of whom is as the sand of the
sea.

9 And they went up on the
breadth of the earth, and com-
passed the camp of the saints
about, and the beloved city:
and fire came down from God
out of heaven, and devoured
them.

10 And the devil that de-
ceived them was cast into the
lake of fire and brimstone,
where the beast and the false
prophet are, and shall be tor-
mented day and night for ever
and ever.

11 And I saw a great white
throne, and him that sat on
it, from whose face the earth
and the heaven fled away:
and there was found no place
for them.

12 And I saw the dead, small
and great, stand before God:
and the books were opened:
and another book was opened,
which is the book of life: and
the dead were judged out of
those things which were writ-
ten in the books, according to
their works.

13 And the sea gave up the
dead which were in it: and
death and hell delivered up the
dead which were in them: and
they were judged every man
according to their works.

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2441 Christ, New Jerusalem.

2441 Christ, New Jerusalem.

2441 Christ, New Jerusalem.

2441 Christ, New Jerusalem.

2441 Christ, New Jerusalem.

2441 Christ, New Jerusalem.

16 And death and all were
cast into the lake of fire. This
is the second death.

15 And whosoever was not
written in the book of life
was cast into the lake of
fire.

CHAPTER 21

A new heaven and a new earth.

AND I saw a new heaven
and a new earth: for the
first heaven and the first earth
were passed away; and there
was no more sea.

2 And I John saw the holy
city, new Jerusalem, coming
down from God out of heaven,
prepared as a bride adorned for
her husband.

3 And I heard a great voice
out of heaven saying, Behold,
the tabernacle of God is with
men, and he will dwell with
them, and they shall be his
people, and God himself shall
be with them, and be their God.

4 And God shall wipe away
all tears from their eyes; and
there shall be no more death,
neither sorrow, nor crying, nei-
ther shall there be any more
pain: for the former things
are passed away.

5 And he that sat upon the
throne said, Behold, I make all
things new. And he said unto
me, Write: for these words are
true and faithful.

6 And he said unto me, It is
done. I am Alpha and Omega,
the beginning and the end.
I will give unto him that is
thirsty of the fountain of the
water of life freely.

7 He that overcometh shall
inherit all things: and I will
be his God, and he shall be my
son.

8 But the fearful, and unbe-
lieving, and the abominable,
and murderers, and whore-
mongers, and sorcerers, and
idolaters, and all liars, shall
have their part in the lake
which burneth with fire and
brimstone: which is the sec-
ond death.

9 And there came unto me
one of the seven angels which
had the seven vials full of the
avenge, and said, Come hither,
I will shew thee the bride, the
Lamb's wife.

10 And he carried me away
in the spirit to a great and
high mountain, and shewed me
that great city, the holy Jeru-
salem, descending out of heav-
en from God.

11 Having the glory of God:

and her light was like unto a
stone most precious, even like
a jasper stone, clear as crystal.

12 And had a wall great and
high, and had twelve gates,
and at the gates twelve angels,
and names written thereon,
which are the names of the
twelve tribes of the children
of Israel:

13 On the east three gates;
on the north three gates; on
the south three gates; and on
the west three gates.

14 And the wall of the city
had twelve foundations, and in
them the names of the twelve
apostles of the Lamb.

15 And he that talked with
me had a golden reed to mea-
sure the city, and the gates,
and the wall thereof.

16 And the city lieth four
square, and the length is as
large as the breadth: and he
measured the city with the
reed, twelve thousand furlongs.

The length and the breadth
and the height of it are equal.

17 And he measured the wall
thereof, an hundred and forty
and four cubits, according to
the measure of a man, that is,
of the angel.

18 And the building of the
wall of it was of jasper: and
the city was pure gold, like
unto clear glass.

19 And the foundations of
the wall of the city were
garnished with all manner of
precious stones. The first fon-
dation was jasper; the second,
sapphire; the third, a chalce-
dony; the fourth, an emerald;

20 The fifth, sardonyx; the
sixth, sardius; the seventh,
chrysolite; the eighth, beryl;
the ninth, a topaz; the tenth,
a chrysoprasus; the eleventh,
a jacinth; the twelfth, an ame-
thyst.

21 And the twelve gates were
twelve pearls: every several
gate was of one pearl: and
the street of the city was pure
gold, as it were transparent
glass.

22 And I saw no temple there-
in: for the Lord God Almighty
and the Lamb are the temple
of it.

23 And the city had no need
of the sun, neither of the
moon, to shine in it: for the
glory of God did lighten it,
and the Lamb is the light
thereof.

24 And the nations of them
which are saved shall walk in
the light of it: and the kings

2106 Spirit, Light.
2173 Radiance.
2043 Precious Stones.
2043 Jasper.
2043 Crystal.
40 Exultation (2).
p p. ch. 22. 14.

The Wall, Gates, and
Foundations of the City

20 Acorn.

3177 City, Foundation.

2081 Apostles' Names.

3268 Christ, the Lamb.

p p. ch. 11. 1.

The Dimensions of the
City

3539 Furlongs.

897 Cubits.

p p. ch. 4. 3.

The Foundations of the
Wall

2643 Precious Stones.

2858 Sapphire.

2853 Emerald.

2859 Sardonyx.

2846 Beryl.

2860 Topaz.

2845 Amethyst.

The Pearly Gates

2701 Pearls.

p p. ch. 22. 3.

p p. ch. 4. 6.

p p. Ju. 4. 23.

2809 Omnipotence.

3268 Christ, the Lamb.

p p. Is. 60. 19.

The Light of the City

2168 God, a Light.

1426 God's Glory.

2168 Christ, the Light.

2282 Gentiles (1).

1358 The Saved.

R. V. shall walk amidst
[the light thereof]

28 Angels.
2112 Safety.
2389 Night, ch. 22.1.
1369 Seven "No More."

40 Exclusion (2), ch. 22.18.
954 Dedication (1).
3900 Evil Works.
13 Abominations.
3703 Liars.
526 Book of Life, ch. 22.19.
4164 Heavenly Citizenship.

Paradise Restored
p. 64.2.10; Ec. 47.1.
3087 Spir. Rivers.
3739 Living Water, v. 17.
2418 God's Throne.
3365 Christ, the Lamb.

3663 Tree of Life.

p. 64.2.10.
4020 Dignity of Fruitful-
1843 Spir. Healing. Incom.

1359 Seven "No More."
803 Divine Curse.
2418 God's Throne.
718 Christ Exalted.
3995 Suffering Christ.
811 Heavenly Vision.
3050 Saints Sealed.

2589 Night.

2169 God, a Light.
2105 Immortality.
1167 Spir. Kings.
1361 Saints Glorified.

The Verity of the
Revelation
R.V. the God of the
spirits of the prophe-
cia, sent

3074 God's Messengers.
3494 Revelations.
1326 Advent Near, v. 30.

278 Blessed Ones.
2018 Obedience (2).
3983 Prim. 46 Obedient.

1002 John.
3005 Living Witnesses.
2496 Visions.
p. 64.2.10.10.

p. 64.2.10.1.
741 Spir. Brothers.

of the earth do bring their
glory and honour into it.

25 And the gates of it shall
not be shut at all by day: for
there shall be no night there.

26 And they shall bring the
glory and honour of the na-
tions into it.

27 And there shall in no wise
enter into it any thing that
defileth, neither whatsoever
worketh abomination, or mak-
eth a lie: but they which are
written in the Lamb's book of
life.

CHAPTER 22

The river and tree of life, etc.

AND he shewed me a pure
river of water of life, clear
as crystal, proceeding out of the
throne of God and of the Lamb.
2 In the midst of the street
of it, and on either side of the
river, was there the tree of
life, which bare twelve manner
of fruits, and yielded her fruit
every month: and the leaves of
the tree were for the healing
of the nations.

3 And there shall be no more
curse: but the throne of God
and of the Lamb shall be in it;
and his servants shall serve
him:

4 And they shall see his face:
and his name shall be in their
foreheads.

5 And there shall be no night
there; and they need no candle,
neither light of the sun; for
the Lord God giveth them
light: and they shall reign
for ever and ever.

6 And he said unto me, These
sayings are faithful and true:
and the Lord God of the holy
prophets sent his angel to shew
unto his servants the things
which must shortly be done.

7 Behold, I come quickly:
blessed is he that keepeth the
sayings of the prophecy of this
book.

8 And I John saw these
things, and heard them. And
when I had heard and seen, I
fell down to worship before the
feet of the angel which shewed
me these things.

9 Then saith he unto me, See
thou do it not: for I am thy
fellow-servant, and of thy brethren
the prophets, and of them

which keep the sayings of this
book: worship God.

10 And he saith unto me, Seal
not the sayings of the prophe-
cy of this book: for the time
is at hand.

11 He that is unjust, let him
be unjust still: and he which
is filthy, let him be filthy still;
and he that is righteous, let
him be righteous still: and he
that is holy, let him be holy still.

12 And, behold, I come quick-
ly: and my reward is with me,
to give every man according
as his work shall be.

13 I am Alpha and Omega, the
beginning and the end, the first
and the last.

14 Blessed are they that do
his commandments, that they
may have right to the tree of
life, and may enter in through
the gates into the city.

15 For without are dogs, and
sorcerers, and whoremongers,
and murderers, and idolaters,
and whosoever loveth and mak-
eth a lie.

16 I Jesus have sent mine
angel to testify unto you these
things in the churches. I am
the root and the offspring of
David, and the bright and
morning star.

17 And the Spirit and the
bride say, Come. And let him
that heareth say, Come. And
let him that is athirst come.
And whosoever will, let him
take the water of life freely.

18 For I testify unto every
man that heareth the words of
the prophecy of this book, If
any man shall add unto these
things, God shall add unto him
the plagues that are written in
this book:

19 And if any man shall take
away from the words of the
book of this prophecy, God
shall take away his part out
of the book of life, and out
of the holy city, and from the
things which are written in
this book.

20 He which testifieth these
things saith, Surely I come
quickly. Amen. Even so,
come, Lord Jesus.

21 The grace of our Lord
Jesus Christ be with you all.
Amen.

3071 Worship God.

p. 64.2.26.12.4.9.
p. 64.2.1.3.

Fullness of Time at Hand
1743 Imminence.
2576 Irreparableness.

937 Filthiness.

3080 Righteousness (4).

4198 Proportionate Reward.
R.V. margin, wages.

3043 Reward (3).
1353 Judgment accord to
works.

Conditions of Entrance
into the City

709 Christ Eternal.

376 Blessed Ones.
R.V. that wash their
clothes, i.e., robes.

1030 Doors.
2018 Obedience (2).
3063 Tree of Life.

38 Arcana.

3066 The Wicked (2).
40 Exclusion (2).

291 Final Separation.
1031 Dogs (2).

2449 Murder (1).
3703 Liars.

p. 64.2.3.22.
2494 Revelation.

3632 Titles of Christ.
723 Son of David.

4072 Morning Star.
2168 Christ, the Light.

The Last Invitation
737 Bride.

1787 "Come."
952 Spir. Power.

3528 Whosoever (2).
1791 Universal Call.

3740 Living Water.
945 Thirst Satisfied.

4180 Universal Oppor-
tunity.

p. 64.2.12.32.

1073 Plagues.

427 God's Word Sacred.

1818 Reprobation.
526 Book of Life.

40 Exclusion (2).
1886 New Jerusalem.

1346 Advent Near.

1743 Imminence.
p. 64.2.9.28.

306 Benedictions.
1440 Christ's Grace

All Numbers refer
cept, in a few instances.

"See" word in the

Abbreviations—

Marginal topics:—N. M.
From, Promises:—Ref.

In the Text Cy-
divided and arranged in
topic Marriage appear in

The unity of the
photo-alphabetical arrang.

N

Abraham, Mount 245

Abraham (1), (2), 1170, 1171

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THE END.

249

p.p. Est. 1.19.	which the king established may be changed.	which shall not be destroyed, and his dominion shall be even unto the end.	3483 Eternal Kingdom. [ch. 7.14.
p.p. 8.2.39.	16 Then the king commanded, and they brought Dān'iel, and cast him into the den of lions.	27 He delivereth and rescueth, and he worketh signs and wonders in heaven and in earth, who hath delivered Dān'iel from the power of the lions.	370 Deliverance (8); 372 Divine Delivery. [Co. 1.10.
3480 Persuasion (1). [Ac. 18.12.	17 And a stone was brought, and laid upon the mouth of the den; and the king said with his own signet, and with the signet of his lords: that the purpose might not be changed concerning Dān'iel.	28 So this Dān'iel prospered in the reign of Bāb'ul'son, and in the reign of Cy'rus the Per'sian.	3833 Prosperity (4). 3834 Prosperable. p.p. Est. 1.1.
170 Lions (1). [Ac. 18.12.			
1710 Courageous. [Ac. 18.12.			
1715 Confidence in God. [Ac. 18.12.			
3480 Deliverance (2). [Ac. 18.12.			
370 Divine Delivery. [Ac. 18.12.			
3710 Faith. [Ac. 18.12.			
3720 Signet. [Ac. 18.12.			
3480 Palace. [Ac. 18.12.			
3710 Fast. [Ac. 18.12.			
3715 Musical Instruments. [Ac. 18.12.			
3720 Carrel. [Ac. 18.12.			
1087 Early Rising (1). [Ac. 18.12.			
170 Lions (1). [Ac. 18.12.			
3710 God's Servants. [Ac. 18.12.			
3715 Living God. [Ac. 18.12.			
3480 Divine Agency. [Ac. 18.12.			
3710 Daniel. [Ac. 18.12.			
3715 Ministering Angels. [Ac. 18.12.			
3720 Divine Power. [Ac. 18.12.			
3710 Innocency. [Ac. 18.12.			
3715 King's Law. [Ac. 18.12.			
3710 Lion's Den. [Ac. 18.12.			
3715 Prisoners. [Ac. 18.12.			
3710 Lion's Den. [Ac. 18.12.			
3710 Believers. [Ac. 18.12.			
3710 Faith (4). [Ac. 18.12.			
3710 Restoration (2). [Ac. 18.12.			
3710 Believers. [Ac. 18.12.			
3710 End of the World. [Ac. 18.12.			
3710 Parable's King. [Ac. 18.12.			
3710 Darius. [Ac. 18.12.			
3710 Writing (1). [Ac. 18.12.			
3710 Peace Invoked. [Ac. 18.12.			
3710 King's Delivery. [Ac. 18.12.			
3710 Fear of God. [Ac. 18.12.			
3710 Living God. [Ac. 18.12.			

p.p. Re. 1.14.	of his head like the pure wool: his throne was like the fiery flame, and his wheels as burning fire.	and prevailed against them; 22 Until the Ancient of days came, and judgment was given to the saints of the most High; and the time came that the saints possessed the kingdom.	3483 Persecution (4). God Eternal. [De. 32.40. p.p. Mt. 18.20. [Ac. 22.30. [1 Co. 3.3; Re. 20.4. p.p. Re. 1.3; 1.11. p.p. v. 7.18.
3418 God's Throne.			
1398 Fire (5).	10 A fiery stream issued and came forth from before him: thousand thousands ministered unto him, and ten thousand times ten thousand stood before him: the judgment was set, and the books were opened.	23 Thus he said, The fourth beast shall be the fourth kingdom upon earth, which shall be diverse from all kingdoms, and shall devour the whole earth, and shall tread it down, and break it in pieces.	1164 Saints Exalted. p.p. v. 7.18.
148 Angels (2). [Mt. 24.31.			
1357 Heavenly Host. [Mt. 24.31.			
1351 Last Judgment. [Mt. 24.31.			
326 Book of Life. [Ex. 32.32.			
p.p. Jude 16. p.p. Re. 19.20; 20.10.			
1373 Eternal Fire. [Is. 33.14.			
1170 Abasement (1). [Is. 40.12.			
3355 Penalty Delayed. [Is. 40.12.			
2900 Messianic Prophecy. [Is. 40.12.			
722 Son of Man. [Mt. 24.31.			
1314 Second Coming (1). [Mt. 24.31.			
p.p. v. 9.			
718 Christ Exalted. [Mt. 24.31.			
3483 Christ's Glory. [Mt. 24.31.			
3481 Christ, King, Sec. 9.9.			
3483 Gentiles (1). [Mt. 24.31.			
3483 Universal Worship. [Mt. 24.31.			
717 Christ's Dominion. [Mt. 24.31.			
3483 Eternal Kingdom. [Mt. 24.31.			
3480 Immutability. [Mt. 24.31.			
p.p. ch. 1.19.			
3481 Instruction Sought. [Mt. 24.31.			
3481 Revelation. [Mt. 24.31.			
p.p. ch. 2.37; v. 3.4.			
1165 Saints Exalted. [Mt. 24.31.			
1167 Spir. Kings. [Mt. 24.31.			
p.p. v. 7.			
1731 Beaters. [Mt. 24.31.			
p.p. v. 25.			
p.p. Re. 11.7; 13.7.			
358 Sp. Warfare. [Mt. 24.31.			
27			

p.p.ch.12.1.	there any that could deliver out of his hand; but he did according to his will, and became great.	stood before me as the appearance of a man.	144 Angels Appeared. [Ga.22.1.
Or, none touched him in the earth.	5 And as I was considering, behold, as he goat came from the west on the face of the whole earth, and touched not the ground: and the goat had a notable horn between his eyes.	16 And I heard a man's voice, which called, and said, Gabriel, make this man to understand the vision.	1377 Gabriel, ch.9.31.
p.p.v.8.31.	6 And he came to the ram that had two horns, which I had seen standing before the river, and ran unto him in the fury of his power.	17 So he came near where I stood; and when he came, I was afraid, and fell upon my face: but he said unto me, Understand, O son of man: for at the time of the end shall be the vision.	9178 Enlightenment.
p.p.v.3.	7 And I saw him come close unto the ram, and he was moved with choler against him, and smote the ram, and brake his two horns: and there was no power in the ram to stand before him, but he cast him down to the ground, and stamped upon him: and there was none that could deliver the ram out of his hand.	18 Now as he was speaking with me, I was in a deep sleep on my face toward the ground: but he touched me, and set me upright.	3020 Headless Feet. 3020 Godly Reverence. [Ex.3.5.
p.p.ch.11.11.	8 Therefore the he goat waxed very great: and when he was strong, the great horn was broken; and for it came up four notable ones toward the four winds of heaven.	19 And he said, Behold, I will make thee know what shall be in the last end of the indignation: for at the time appointed the end shall be.	3494 Revelations. p.p.Hab.2.3.
p.p.ch.7.7.	9 And out of one of them came forth a little horn, which waxed exceeding great, toward the south, and toward the east, and toward the pleasant land.	20 The reas which thou sawest having two horns are the kings of Media and Persia.	3738 Sleep (8), Jona.1.8. p.p.ch.10.9.
p.p.ch.5.20.	10 And it waxed great, even to the host of heaven; and it cast down some of the host and of the stars to the ground, and stamped upon them.	21 And the rough goat is the king of Grecia: and the great horn that is between his eyes is the first king.	284 Christ's Touch. Or, made me stand. [Mt.8.3.
p.p.ch.7.3; Re.7.1.	11 Yea, he magnified himself even to the prince of the host, and by him the daily sacrifice was taken away, and the place of his sanctuary was cast down.	22 Now that being broken, whereas four stood up for it, four kingdoms shall stand up out of the nation, but not in his power.	1781 Instruction (5). 3455 Divine Teacher. [Ex.4.18.
p.p.v.23. p.p.ch.11.10.	12 And an host was given him against the daily sacrifice, because of transgression, and he cast down the truth to the ground; and it practised, and prospered.	23 And in the latter time of their kingdom, when the transgressors are come to the full, a king of fierce countenance, and understanding dark sentences, shall stand up.	p.p.v.3. 2744 Peace, ch.10.1. p.p.v.5-7.
636 Fruitful Land. [Ex.3.8.	13 Then I heard one saint speaking, and another saint said unto that certain saint which spake, How long shall be the vision concerning the daily sacrifice, and the transgression of desolation, to give both the sanctuary and the host to be trodden under foot?	24 And his power shall be mighty, but not by his own power: and he shall destroy wonderfully, and shall prosper, and practise, and shall destroy the mighty and the holy people.	3335 Peacefully Delayed. [Ga.15.16. p.p.Mt.22.32. p.p.Lu.28.58.
1357 Heavenly Host. [No.9.8.	14 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	25 And through his policy all so he shall cause craft to prosper in his hands; and he shall magnify himself in his heart, and by peace shall destroy many: he shall also stand up against the Prince of princes; but he shall be broken without hand.	p.p.Re.17.13,17. Or, corrupt wonder. [Ps.11.3.
1194 Re-exaltation. p.p.Ea.20.38.	15 T And it came to pass, when I, even I Daniel, had seen the vision, and sought for the meaning, then, behold, there	26 And the vision of the evening and the morning which was told is true: wherefore about thou up the vision; for it shall be for many days.	2892 Prosperity (3). 1828 Jews Persecuted. [2 K.16.6. 2725 Chosen Ones, De.7.8. 3338 Craftiness. 3194 Re-exaltation.
2039 Sacrifice (2).	16 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	27 And I Daniel fainted, and was sick certain days; afterward I rose up, and did the king's business; and I was astonished at the vision, but none understood it.	Or, by prosperity shall destroy, etc. p.p.v.11. p.p.Re.17.14. 3181 Fall of the Wicked. [Fr.11.8. p.p.v.11-15. p.p.Re.10.4. 2491 Knowledge Withheld.
2897 Prosperity (1).	17 And I saw him come close unto the ram, and he was moved with choler against him, and smote the ram, and brake his two horns: and there was no power in the ram to stand before him, but he cast him down to the ground, and stamped upon him.	28 And I saw him come close unto the ram, and he was moved with choler against him, and smote the ram, and brake his two horns: and there was no power in the ram to stand before him, but he cast him down to the ground, and stamped upon him.	3797 Human Weakness. 1823 Sickness (2), Ju.11.1. 864 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.
1325 Holies' Fellowship. [Fr.11.8.	18 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	29 And I saw him come close unto the ram, and he was moved with choler against him, and smote the ram, and brake his two horns: and there was no power in the ram to stand before him, but he cast him down to the ground, and stamped upon him.	364 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.
p.p.v.11.12.	19 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	30 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	364 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.
493 Trial Prolonged.	20 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	31 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	364 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.
969 Pollution (3). [2 K.16.6.	21 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	32 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	364 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.
3039 Sacrifice (7).	22 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	33 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	364 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.
Or, evenings and mornings.	23 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	34 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	364 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.
318 Temple Cleansed. [Mt.21.12.	24 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	35 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	364 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.
2190 Prophetic Vision.	25 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	36 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	364 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.
2093 Instruction Bought. [Mt.13.58.	26 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	37 And he said unto me, Unto two thousand and three hundred days; then shall the sanctuary be cleansed.	364 Diligence. p.p.ch.2.48. 2492 Secret Things. [De.29.29.

CHAPTER 9

Daniel prays for his people, 20. Gabriel informs him of the seventy weeks.

918 Daniel. p.p.Est.1.1.	IN the first year of Da-r-i-us the son of A-h-s-h-a-c-r-us, of the seed of the Medes, which was made king over the realm of the Chaldeans:	12 And he hath confirmed his words, which he spake against us, and against our judges that judged us, by bringing upon us a great evil: for under the whole heaven hath not been done as hath been done upon Jery-sa-lem.	p.p.Jo.4.1.20. [Luo.2.17. 430 God's Word Revealed. [Mt.1.18. p.p.Jo.12.17: Ps.2.10. 3049 Retribution (1). [Ex.20.6. p.p.Mt.24.31. [Mt.12.10. 1852, 4381 Jerusalem (2).
914, 4300 Daniel, ch.12.4. 428 Search "The Word." [De.17.19.	2 In the first year of his reign I Daniel understood by books the number of the years, wherein the word of the LORD came to Jery-sa-lem the prophet, that he would accomplish seventy years in the desolations of Jery-sa-lem.	13 As it is written in the law of Moyses, all this evil is come upon us: yet made we not our prayer before the LORD our God, that we might turn from our iniquities, and understand thy truth.	1099 Prayerfulness. [Jo.7.7. 2714 Impenitence (2). [Lu.18.31. 2718 Correction Required. [Ps.32.9. 1014 No Understanding.
p.p.1 Ti.4.13: [2 Ti.3.15. p.p.Ja.25.11: 29.10. 1823 Captivity (1). 1882, 4381 Jerusalem (2). 1003 Prayerfulness. 3192 Seekers, Ju.12.21. 3214 Fasting (3). 1850 Sackcloth, Jona.3.8.	3 And I set my face unto the LORD God, to seek by prayer and supplications, with fasting, and sackcloth, and ashes:	14 Therefore hath the LORD watched upon the evil, and brought it upon us: for the LORD our God is righteous in all his works which he doeth: for we obeyed not his voice.	p.p.Ja.11.18,38. 3047 Penitence. 3077 God's Righteousness. 1973 Divine Justice. 2021 Disobedience (2). 1490 Divine Leader.
2825 Prayer (10), Hab.3.1. 2234 God's Majesty. 1228 Divine Faithfulness. 2883 Pious, to Obdurate. [Lu.20.6. 2018 Obedience (3). 817 Confession of Sin (2). 1756 Iniquity. 3232 Rebellion (2). 1238 Forsaking God (2).	4 And I prayed unto the LORD my God, and made my confession, and said, O LORD, the great and dreadful God, keeping the covenant and mercy to them that love him, and to them that keep his commandments;	15 And now, O LORD our God, that hast brought thy people forth out of the land of Egypt with a mighty hand, and hast gotten thee renown, as at this day: we have sinned, we have done wickedly.	1484 God's Hand. Or, hast made thee a name. 817 Confession of Sin (2).
1792 Call Refused. 911 Spirit, Deafness. 943 Hearing (2). 2330 Stubbornness (2). p.p.Lu.9.7. 3077 God's Righteousness. 1699 Sin of Shame.	5 We have sinned, and have committed iniquity, and have done wickedly, and have rebelled, even by departing from thy precepts and from thy judgments:	16 O LORD, according to all thy righteousness, I beseech thee, let thine anger and thy fury be turned away from thy holy mountain, because for our sins, and for the iniquities of our fathers, Jery-sa-lem and thy people are become a reproach to all that are about us.	2391 Mercy Bought. [Hab.2.2. 1785 Intercession (3). 3106 Sacred Places. 1755 Our Iniquities. [Jb.14.17. 1837 Parents' Sins. 1816 Israel a By-word.
1024 Inhabitation (2). 3019 Inhabitation (1). p.p.Ps.51.4. 1688 Wicked Assembled. [Ps.55.3. p.p.Lam.1.8: 2.42. 2297 Mercy (1). 1314 Forgiveness (1). 3232 Rebellion (2). 2621 Disobedience (2). 430 Law Despised. 1780 Divine Call (1). [Jo.38.15. 3310 Sin Universal, Ga.8.5. 1273 Wanderers. 903 Divine Cures. 2033 Lawgiver (2).	6 Neither have we hearkened unto thy servants the prophets, which spake in thy name to our kings, our princes, and our fathers, and to all the people of the land.	17 Now therefore, O our God, hear the prayer of thy servant, and his supplications, and cause thy face to shine upon thy sanctuary that is desolate, for the LORD's sake.	1003 Prayerfulness. 1251 Divine Favor (2). p.p.Nu.25. 3581 Temple Destroyed. [2 K.24.9. p.p.Ps.17.8. 944 Divine Hearing. 986 Devotion (1). 1449 Unmerited Favors. [Ro.4.16. 2297 Mercy (1). 3126 Pardon Bought. 3607 Divine Delays. 2723 God's People.
	7 O LORD, righteousness belongeth unto thee, but unto us confusion of faces, as at this day: to the men of Jery-sa-lem, and to the inhabitants of Jery-sa-lem, and unto all Isra-el, that are near, and that are far off, through all the countries whither thou hast driven them, because of their trespass that they have trespassed against thee.	18 O my God, incline thine ear, and hear; open thine eyes, and behold our desolations, and the city which is called by thy name: for we do not present our supplications before thee for our righteousnesses, but for thy great mercies.	818 Confession of Sin (2). 817 Confession of Sin (2). p.p.Ps.137.5: Is.58.7. 1377 Gabriel, Is.1.19. 284 Christ's Touch. [Mt.8.3. p.p.1 K.18.38. [1 K.9.5.
	8 O LORD, to us belongeth confusion of face, to our kings, to our princes, and to our fathers, because we have sinned against thee.	19 O LORD, hear; O LORD, forgive; O LORD, hearken and do; defer not, for thine own sake, O my God: for thy city and thy people are called by thy name.	
	9 To the LORD our God belongeth mercies and forgivenesses, though we have rebelled against him:	20 And whilst I was speaking, and praying, and confessing my sin and the sin of my people Isra-el, and presenting my supplication before the LORD my God for the holy mountain of my God;	
	10 Neither have we obeyed the voice of the LORD our God, to walk in his laws, which he set before us by his servants the prophets.	21 Yea, whilst I was speaking in prayer, even the man Gabriel, whom I had seen in the vision at the beginning, being caused to fly swiftly, touched me about the time of the evening oblation.	

Speak up now against New controls over your Money and your life!

Do you know that the U.S. dollar is on its way out? Most Americans thought the dollar would always be here, whether it had gold or silver to support it or not.

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bank or savings and loan account? The President also has the power to declare a National Emergency to put this Executive Order into force at any time he thinks best.

Furthermore, the President on Feb. 10, 1973 signed an Executive Order that set up ten Federal Regional Councils to govern the 50 states. This system of Regional Government will give the bureaucrats, appointed by the President, more power over our lives than our own elected representatives, both state and federal, can do anything about.

The President is all prepared for a national crisis. Under his emergency powers through other

Executive Orders, the President and his appointed bureaucrats may then perform the following acts - regardless of the U.S. Constitution. They can:

- Take over all communications media
- Seize all sources of power
- Take charge of all food resources
- Seize all forms of transportation
- Control all highways and seaports
- Seize all railroads, inland waterways, airports, storage facilities
- Commandeer all civilians to work under federal supervision
- Control all activities relating to health, education, and welfare
- Shift any segment of the population from one locality to another
- Take over farms, ranches, timbered properties
- Regulate the amount of your money you may withdraw from your bank, or savings and loan account.

All of these and many more items are listed in 32 pages incorporating nearly 200,000 words, providing an absolute bureaucratic dictatorship whenever the President gives the word.

What do you suppose will happen to our dollar? Just 25 years ago the United States was the strongest nation on earth, economically. But there are zealots in this country and other countries, including the Rockefeller and their Council on Foreign Relations, that would like to place all nations under a one-world government. This would place all the finances and economic policies of the United States under the control of the International Monetary Fund and the World Bank. They are already far advanced with this plan.

The United States' gold reserve has shrunk from \$28 billion 25 years ago to less than \$10 billion today. President Kennedy told representatives from 102 nations at the International Monetary Fund conference on Sept. 30, 1963, ten years ago, concerning the decline of the dollar: "There was a need for redistribution of the financial resources of the world. . . It did not come by chance, but by conscious and deliberate and responsible planning."

It was then that the international bankers and financial experts began planning a new money system to replace the present systems. The new money system would use computers that could control people's spending by controlling their credit.

In describing this system, one expert said: "Instead of paying employees in money or by check, the employer will electronically credit (by means of a special telephone line) the worker's account in the local computer bank. When the individual goes to the market, he shows his account number to the cashier at the checkout stand. His account is immediately charged -

but if he is overdrawn, a red light comes on.

"This will save waiting in line for ladies to fish through the maze of their handbags. As the person passes the cashier, the cashier will hold his hand open or light up invisible ink on his forehead.

"These two places on a person's body will be the most logical places for the account number to be tattooed with a new painless tattoo gun; no money will change hands; no billfolds or purses will open; no delay - fast, safe, efficient. Everyone will be required to have an account number."

BUYING WITH A NUMBER

The first experiment of consequence took place in 1971 at Upper Arlington, Ohio. Quoting from the Dec. 26, 1971 edition of PARADE:

Can you imagine an all-day shopping trip . . . without carrying cash or even your checkbook? That's what they're doing in this central Ohio city where 31 merchants, more than 2,000 customers, and a bank are joined in a pioneering experiment that's aimed at moving toward a cashless, checkless society. . .

Says John Fisher, Columbus banker, who directs the test, using a computer:

"American banks are processing 22 billion checks a year and in ten years that's likely to double. We just can't take it. The Federal Reserve Board has indicated that government might have to step in with new regulations if the banking industry can't develop some way to reduce the load.

"The Upper Arlington experiment, which seems to be going well, is an effort to make the reduction. . . To see the system in action, observe Mrs. Seelig as she makes one of her shopping stops - this one at a large supermarket. In her purse is a card bearing special magnetic identification. A dozen miles away in the bank is a computer, which knows all about Mrs. Seelig.

"When Mrs. Seelig arrives at the checkout counter, her cart filled with \$29.06 worth of meat and groceries, she hands over her card to the clerk who inserts it in a slot in a little keyboard and dials a phone number which connects the keyboard with the computer. The clerk then punches the amount of the sale on the keyboard. The computer, which already has identified Mrs. Seelig with her card, now verifies the amount of the sale and the fact that Mrs. Seelig pays her bills. A normal transaction takes about 15 seconds. All month the computer follows Mrs. Seelig whenever she shops.

"As word of the test has spread through banking circles, they've dropped in to inspect the experiment from all 50 states and from Japan, Canada, Switzerland and West Germany. . . When the test period runs out, the project will be continued and extended to include more participants."

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Of course, the computer number is not yet on the shopper's forehead or in the hand, but that is the next logical step in order to save time. But what if someone doesn't have an account number? What if a person is old-fashioned and doesn't like the new system? What if he objects on a religious ground? These possibilities must be considered, and those who fail to go along with the system will not be able to buy even a loaf of bread. Mass starvation can result.

"THE MARK OF THE BEAST"

Reverend David F. Webber of Oklahoma City reminds us that for almost two thousand years the world has wondered at the prophecy in Revelation 13:15-18, "And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their forehead: And that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name. Here is wisdom. Let him that hath understanding count the number of the beast: for it is the number of a man; and his number is six hundred threescore and six."

There are many things we do not yet know about this prophecy. However, there are many things we do know about the aforementioned prophecy, and as the NEW WORLD MONEY SYSTEM develops, we are learning more about it every day. The things we do know about the number and mark of the beast are:

1. There must first come a worldwide common economic system under the control of one government.
2. There will be one common method of paying for labor and service.
3. Everyone will have a number to identify him for work, selling, or welfare. Prefixes to numbers - Social Security numbers, Area Codes, Zip Codes, are setting the stage for one common prefix. A common prefix will be needed for world governmental control purposes.
4. The paper work involved in numbering, keeping track of the employment and business transactions of four or five billion people would be astronomical and self-defeating, except through the modern computer system. Modern computers are hastening the fulfillment of the Mark of the Beast.
5. Existing economic systems and common exchange standards must be weakened and merged into one international monetary and economic market.

WORKING BY A NUMBER

How will the "Number and Mark of the Beast" affect the average worker on his job? We have some insight into this aspect of the coming one-world economic system from a United Press release of Aug. 31, 1971:

"There has been a lot of talk about a moneyless and even a checkless society. We've seen credit cards bring about somewhat of a moneyless society. But few believe a checkless society would come about. It (already) has in several areas. The 1300 employees of the Sarasota (Florida) Memorial Hospital haven't received a paycheck since January of 1967.

"... Four and one half years ago the hospital instituted a 'checkless' payroll system for its entire \$280,000 bi-weekly payroll force. And it seems to be working. The system, keyed by a Honeywell 1259 computer, works like this:

"Each employee is issued an identification card with his name, picture and Social Security number when he joins the staff. When he comes to work, he inserts the card into an electronic time clock. It records the time and Social Security number and transfers the information to an automated card puncher in the computer room. The process is repeated when the employee leaves work. At the end of the pay period, the computer prepares a payroll roster for each of the 14 banks participating in the program and the payroll is delivered to the various banks with the hospital's check. 'We had some complaints about dehumanization when it first went in... but it's worked well... and we aren't thinking of changing,' said Floyd (associate director of the 515-bed hospital)."

The day is coming when every worker must have a computer number, the same number which he will use in buying, else he will not be able to work.

BANKING WITH A NUMBER

Have you ever had trouble keeping your bank balance straight? The "Mark of the Beast" will relieve you of this problem as the coming new money system will be responsible for all book-keeping and banking transactions. Consider how a man's buying and working number will figure into his daily personal business from the following article entitled "Checkless Society Moves Step Closer" from the Sept. 4, 1972 edition of U.S. News & World Report:

"California banks, which introduced the popular bank-credit card systems... are now preparing to take another bold step into the checkless society foretold for the future. Beginning Oct. 18, many banks in the state will permit individual customers in California to authorize employers to deposit their pay into their checking accounts automatically. Individuals will also be able to arrange for automatic payment of some or all of their predictable, recurring bills.

"Employers can sign up with their own banks... Over the next five years, it is expected that 85%

of payroll checks in the State will be converted to automatic deposits. In order to participate, an individual bank must join the automated clearing house system and agree to comply with Federal Reserve regulations. The plan is designed to permit participation of all California banks, regardless of size. Banks representing more than 95% of banking offices in the State have indicated they will participate."

YOUR NUMBER AT THE FEDERAL RESERVE

We learn that this new system is promoted by and through one national economic power, the Federal Reserve. The Federal Reserve System is very interested in seeing that you receive a computer number. The New York Times, Jan. 2, 1973, stated:

"The Federal Reserve System has endorsed the development of a vast nationwide network of computers to transfer money from one person to another. In a long statement on 'the evolution of payments mechanism,' published in the December issue of the Federal Reserve Bulletin, the nation's central bank spelled out in far greater detail than ever before its ideas on how the coming age of electronic money should be organized. The nation's payments mechanism can be expected to evolve in the direction of a system where credit to the payee's account is made at the same time the payor's account is charged..."

"The Federal Reserve said its role 'in facilitating the development of automated clearing facilities and the linkage of such facilities to provide a nationwide network for automated crediting systems or pre-authorized debiting systems may pioneer a similar role in the experimental point-of-sale terminals.'

"The Federal Reserve statement... made clear that in the future such systems should operate over large geographic areas... 'The consumer,' the Federal Reserve concludes, 'will be able to complete financial transactions through the use of a card or SIMILAR IDENTIFYING DEVICE, and this procedure will be accomplished through automated teller units conveniently located in shopping centers, in other places handling numerous consumer sales and in the homes.'"

This system is already being tested in Japan, in Germany, and in other nations of the European Common Market.

It is evident that a telephone computer extension will be at every cash register, at every teller's window in every bank, at the entrance and exit of every factory and office building, and in nearly every home.

This may all sound very good - but does the average person know what he would be getting into?

No person will be able to buy, work, sell, travel or even pay his utilities without a computer number. As Reverend Webber says, who will dare to challenge the system? Who will

even be able to question it? Or, as we read in Revelation 13:14, "Who is like unto the beast? Who is able to make war with him?"

AT THE TOP

Regional Government will be a natural under the Federal Reserve. Bureaucrats in each region will have on file every individual's computer card. If he does not conform to their wishes, a punch on his card will block him from buying even a loaf of bread. All business will be under their control. At the world level, the Federal Reserve in the U.S. will be under the control of the international bankers who set up this computerized money system. They will exact their charges all the way down to each individual. If he needs to borrow money, he must borrow from them, and at their rate of interest. There will be no competitive free enterprise.

There will be no one at the top who will respect or honor the United States Constitution and its safeguards for every American's freedom.

SOME QUESTIONS TO RAISE

- Do we understand now why Mr. Paul Volcker and other "authorities" of the U.S. Treasury Department are so strongly opposed to the gold standard to support our paper money? (They won't need the gold standard when they have the world under this computerized money system - this "money" will be supported by force.)
 - Can we see now why virtually every nation's currency is in the process of being destroyed?
 - Will taxes be taken from our accounts under this computerized money system without our knowledge or consent?
 - How can any individual refuse to participate in this system, and survive (even on a barter basis) and still buy gasoline, etc? (Even the inventory of each gas station could be closely policed by the computer system.)
 - How would any person spend any money from his account for any confidential purpose without "the authorities" knowing what it went for?
 - When would "the authorities" decide that certain products and services should no longer be purchased and that money should not go to certain religious organizations, etc?
 - How many of the American people will be able to understand at once that this is the system that would completely destroy their God-given freedom, their right to self-determination, their will and responsibility to decide for themselves as to what is right and what is wrong?
 - Can people see that after this system is imposed there will be no way on earth to escape that the time to escape is now while we still have free elections and can vote for leader who will protect us from this plan?
- Let us start now by informing our own friends and neighbors, etc. so that no one can say that he was not informed in time to save his freedom. Call or write us today for more copies.

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For example, the SSN may be used to facilitate the transfer of information from one record to another, to combine or compare information in two or more records, or to determine the presence or absence of a record about an individual in different record-keeping systems.

- In some cases an organization may use the SSN to link records in systems that it maintains internally; in others it may use the number in linking records of its own with those maintained by another organization.

The usefulness of the SSN in establishing these kinds of connections between repositories of personal information is obviously the main cause of opposition to the number's expanding use. Those who oppose use of the number seem to fear that Government agencies and private organizations will use the SSN to learn more about them than they think those agencies and organizations need or have a right to know.

The fact that the SSN is at best an unreliable identifier does not seem to allay this concern. According to the Social Security Administration, more than 6 million people already have more than one SSN and a smaller, though still substantial number, share an SSN. Nor do the opponents appear to be impressed with the fact that the SSN is clearly not the only device by which the linking of records can be accomplished. Combinations of other data elements -- name, address, birthdate -- can all be used to match one set of records with another. Although the fact that the SSN is widely noted in a variety of records may facilitate record linkage, the linking of records can and will take place in the absence of the SSN.

It should be noted, moreover, that steps have recently been taken to tighten up on the issuance of SSNs. When the number was first instituted in 1937, union concern about industry blacklisting of labor activists was high, and thus to prevent the use of the SSN to track employees as they moved from one job to another, no limit was placed on the number of SSNs one individual could have. However, in 1972, in Section 130 of the Social Security Act Amendments of that year, the Congress made it illegal for an individual to apply for an SSN without disclosing the fact that he has already been issued a number.

As a practical matter, this means that in the future an individual will no longer be able to obtain more than one SSN without the Social Security Administration knowing about it, and that over



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time those deficiencies of the SSN that are the direct result of the earlier multiple issuance policy will gradually disappear.

Whether any abuse of personal privacy has occurred solely as a consequence of the widespread use of the SSN is not clear. There appear to be no documented cases. The American Civil Liberties Union notes that the people who have complained to it about SSN uses "were not able to put their finger on any known instances of actual record pooling, but rather were expressing their deep anxieties that the 'one big file' might somewhere be in the making."*

Moreover, the number of Americans who fear such "record pooling" and thus are reluctant to disclose their SSNs is not known, although it appears that at least a minority of citizens feel strongly about the issue. Indeed, a few have been indignant enough to bring suits to attempt to enforce their refusal to disclose their SSNs. The driver licensing agencies of four States (Illinois, Massachusetts, Virginia and Indiana) have been unsuccessfully sued for that reason.

A few years ago, a group of attorneys sought (also unsuccessfully) to enjoin the Clerk of the Pennsylvania Supreme Court from requiring them to furnish their SSNs when registering as active members of the State Bar. And in two cases in Virginia, citizens unsuccessfully challenged a provision of Virginia law which requires an individual to provide his SSN as a prerequisite for registering to vote.

Some State officials have responded to perceived public concern by taking actions expressly designed to alleviate it. The Maryland Motor Vehicle Administration recently agreed to discontinue its policy of requesting an individual to disclose his SSN when registering with the agency. And State legislatures have reacted to public opinion by introducing, and in some cases passing, measures designed to restrict the use of the SSN. For example, the Arkansas "Information Practices Act" enacted this year contains a section on the SSN which is modeled after Section 7 of the Federal Privacy Act. At the present time other bills pending in 14 State legislatures contain proposals that would restrict the use of the SSN.

Policy Studies and Recommendations

In the last five years, two major examinations of SSN use have been undertaken by committees established by the Department of Health, Education and Welfare. Their principal findings and

* Ibid. p.4

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recommendations are summarized below.

SSA Task Force on the Social Security Number

In March 1970 the Commissioner of Social Security established a Social Security Number Task Force with a mandate to explore the use of the SSN for purposes unrelated to the Social Security program, as well as the need for possible improvement in SSN enumeration procedures. The Task Force's report was issued in May of 1971.

One of the central conclusions of the report was that although the SSN is a very "powerful and effective means" by which records can be cross-referenced, threats to individual privacy stem not from the use of the SSN itself, but from the more general problem of "uncontrolled data collection and exchange." In fact, the Task Force recognized that "... in the context of an environment for data exchange in which individuals' rights are effectively safeguarded, the use of the SSN as a universal or nearly universal identifier need pose no insurmountable dangers." In order to maximize the benefits and minimize the dangers of SSN use, the Task Force recommended that the Social Security Administration do all in its power to stimulate the development of a "national policy on computer data exchange and personal identification in America, including a consideration of what safeguards are needed to protect individuals' right of privacy and due process."

The Task Force realized that the development of such a national policy would not take place overnight. However, it also recognized that increasing pressures were being placed on SSA to issue or validate SSNs for the convenience of nonprogram recordkeepers.

In the past, SSA had maintained a neutral posture toward nonprogram and non-Federal uses of the number. It had refused to take any steps to increase the attractiveness of the number as an identifier unless such steps would clearly benefit the Social Security program, and the Task Force recommended that any alteration in that posture should be limited to instances in which the advantages to both the individual and society are clear-cut and demonstrable. In other words, an interim policy on use of the SSN for purposes unrelated to the Social Security program seemed to be desirable.

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Specifically, the Task Force recommended that SSA consider providing SSN services (including the enumeration of individuals, the validation and correction of numbers, and the matching of numbers with names and vice versa) to public and private organizations using the SSN for health, welfare, or educational purposes. Such services should be provided only when the proposed use involved advantages to the society and no risk to the individual, and the individual consented to the proposed use of the SSN. The final recommendation in this area was that the SSA continue to support the use of the SSN as a research tool, provided that such research was clearly in the public interest and the confidentiality of personal information was maintained.

The Task Force also explored the question of changing the procedures by which individuals are issued SSNs. Since the inception of the Social Security program, an individual received an SSN by applying for it by mail or at a Social Security office. No documentary evidence of identity was required. As noted earlier, this procedure had resulted over the years in many cases of multiple issuance, and, to a much smaller extent, the fraudulent use of an account number or numbers. These factors had not caused significant problems for the administration of the Social Security program, as verification of identity was not necessary until the individual actually claimed entitlement to benefits. However, these weaknesses in the SSN were of concern to nonprogram users, and especially to other Federal agencies.

The Task Force concluded that a program of mass, early enumeration of individuals, accompanied by documentation of identity, would be of substantial benefit to other Federal users of the number, and offer advantages to SSA as well. Such a program would help to eliminate multiple issuances; would allow SSA to enjoy economies of scale in the enumeration process; would facilitate verification of the identity of Social Security program beneficiaries; and would permit the SSA to educate young Americans to their rights and responsibilities under the program. If mass enumeration were to occur at an age when most young people would soon need to obtain the SSN for employment purposes, the Task Force thought that such a program would not by itself result in greatly increased use of the SSN as a standard universal identifier.

Accordingly, the Task Force recommended that SSA embark on a positive program of enumerating ninth-grade school children, and require proof of age and identity before issuing an account

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number at that time. To decrease the possibility of one person obtaining more than one SSN, the Task Force suggested that a mass enumeration program be accompanied by a requirement that individuals applying for SSNs later in life present documentary evidence of identity so that the possibility that the individual already possesses an SSN can be investigated.

Pending the establishment of a mass enumeration program, the Task Force recognized the need to tighten up SSN issuance procedures in order to decrease the frequency of multiple enumeration of an individual. Specifically, it recommended that SSA identify those categories of SSN applicants for whom the risk of multiple issuance is high and prescreen the applications of all individuals in those categories. Additionally, the Task Force suggested that SSA support a revision of the Social Security Act to provide a criminal penalty for willfully furnishing false information on an SSN application.*

* Two points should be noted here. The first is that seven years before the Task Force issued its report, the Commissioner of Social Security had approved the issuance of SSNs to pupils in the ninth grade and above, if a school requested such issuance and indicated willingness to cooperate in the effort. Since that time, a number of individual schools had elected to participate in such a program, and two States (Utah and Florida) had initiated statewide enumeration programs.

In addition, as noted earlier, the Congress in 1972 endorsed an enumeration policy that varied somewhat from the one recommended by the Task Force. Section 137 of the 1972 Amendments to the Social Security Act, in addition to requiring the Secretary of HEW to take affirmative measures to enumerate aliens and individuals who are applicants for or recipients of Federal benefits, authorized the Secretary to take affirmative measures to assure the issuance of SSNs to children who are below school age at the request of the parents and to children at the time of their first enrollment in school.

Section 137 also provides that the Secretary of HEW "shall require of applicants for Social Security account numbers such evidence as may be necessary to establish the age, citizenship or alien status and true identity of such applicant, and to determine which (if any) Social Security account number has previously been assigned to such individual." This requirement is backed up by Section 130 which provides that any individual who fraudulently furnishes false information regarding his identity in order to obtain an SSN will be guilty of a misdemeanor, punishable by a fine of up to \$1000 or a year in prison, or both.

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As a final recommendation, the Task Force urged that the HEW Secretary establish a public advisory committee to examine "the desirability of computer data exchange in various settings, and the safeguards needed to prevent computer systems from posing a threat to individual rights of privacy and due process," including an examination of how widely the SSN should be used as a record identifier. This recommendation led to the creation of the Secretary's Advisory Committee on Automated Personal Data Systems, which began its deliberations in the spring of 1972.

Records, Computers and the Rights of Citizens, the final report of the Secretary's Advisory Committee, was released in July of 1973. Although a substantial portion of the report was devoted to recommendations for a Code of Fair Information Practice, two chapters focused exclusively on the SSN.

The Secretary's Advisory Committee, like the SSA Task Force, recognized that the use of the SSN (or any standard universal identifier) does not itself pose a threat to an individual's right to privacy. Rather, it is the absence of legal and social safeguards constraining information collection and exchange that makes the use of the SSN potentially harmful. On those grounds the Committee opposed the establishment of the SSN or any other number as a standard universal identifier now or in the foreseeable future, and recommended that the question be re-examined only after the record-keeping safeguards set forth elsewhere in the report had been proven effective.

The Committee, however, did not stop there. Although it realized that the central problem was the lack of constraints on record linkage rather than the use of the SSN it reasoned that the widespread availability of the number could only increase the incentives to link records and broaden access to them, and that some positive steps should therefore be taken to slow, and for the time being, check the development of the SSN into a standard universal identifier.

The Committee suggested that Federal policy with respect to use of the SSN be governed by five general principles. First, the uses of the SSN should be limited to those necessary for carrying out requirements imposed by the Federal government. Second, Federal agencies and departments should not require or promote use of the SSN except to the extent that they have a mandate from Congress to do so. Third, Congress should be sparing in mandating use of the SSN. Fourth, when the SSN is used in instances that do not conform to the three foregoing principles, no individual should be coerced into providing his SSN, nor should it be used

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without his consent. Fifth, an individual should be fully and fairly informed of his rights and responsibilities relative to SSN use.

The Committee also formulated a series of more specific recommendations on how to implement these general principles. For example, it suggested that legislation be enacted giving an individual the right to refuse to disclose his SSN to any person that does not have specific authority provided by Federal statute to request it. Such legislation should also provide an individual a right of redress in the event that his lawful refusal to disclose his SSN results in the denial of a benefit, and further, that any request for an SSN be accompanied by a clear statement indicating whether or not compliance with the request is required by Federal statute.

In order to prevent an individual's SSN from being obtained against his wishes from a source other than himself, the Committee recommended the enactment of legislation forbidding any person with Federal statutory authority to obtain or record the SSN of any individual from using or disclosing that individual's number without his informed consent, except as may be necessary to the Federal government purposes for which the requirement to obtain or record was levied.

Finally, the Advisory Committee considered the extent to which the enumeration practices of the Social Security Administration should be improved, and the impact such practices would have on the use of the SSN as a standard identifier. Like the SSA Task Force, the Committee concluded that a positive program of issuing SSNs to ninth-grade students should be undertaken. However, it qualified this recommendation by urging that no school system be induced to cooperate in such a program, and that any student should have the right to refuse to be issued an SSN in connection with such a program.

Between the time the SSN Task Force issued its Report to the Commissioner and the publication of Records, Computers and the Rights of Citizens, the Social Security Amendments of 1972 were enacted. As noted earlier, section 137 of these amendments required the Secretary of HEW to take affirmative measures to issue SSNs to "any individual who is an applicant for or recipient of benefits under any program financed in whole or in part from Federal funds including any child on whose behalf such benefits are claimed by another person." Noting that the implementation of such a requirement, if read literally, could result in the establishment of the SSN as something close to a standard universal identifier, the Committee recommended that the Secretary limit

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his affirmative measures to public assistance benefits programs supported from Federal funds under the Social Security Act.

The Advisory Committee's recommendations on the extent to which SSN services (enumeration, validation) should be provided to nonprogram users of the number were even more restrictive than those of the SSA Task Force. First, the Committee urged that SSA provide SSN services only to aid recordkeeping by organizations required by law to obtain or record the SSN. And second, it recommended that SSN services be provided to research activities only when the Social Security Administration can assure that the provision of such services will not result in circumvention of the general prohibition against coercing an individual to disclose his SSN in the absence of statutory authority to do so.

Federal Legislative Action

Of the many similar conclusions reached by the SSA Task Force and the Secretary's Advisory Committee, two stand out clearly. One is the recognition that SSN use is not in itself harmful; that it is lack of reliable legal controls on the use and dissemination of personal information that poses the real threat to individual privacy." The other is that, given that recognition, a policy to constrain the evolution of the SSN into a standard universal identifier should nonetheless be adopted.

The enactment of Section 7 of the Privacy Act of 1974 was the first step towards the establishment of a Federal policy limiting use of the SSN.* Although less sweeping than some of the recommendations which preceded it, Section 7 implicitly endorses two proposals of the Secretary's Advisory Committee: (1) that no individual should be denied a benefit because of his refusal to disclose his SSN for purposes other than those required by Federal law; and (2) that an individual whose SSN is requested should be informed as to whether or not the disclosure of his number is required by Federal statute.

Section 7 does not speak to such issues as enumeration, the provision of SSN services, or the use of the SSN as a research tool. It also exempts demands for an individual's SSN that are mandated by statute or regulation adopted prior to January 1, 1975 for systems of records in operation prior to that time, and, of course, does not apply at all to the private sector. However, it was not intended to be more than an instrument for imposing a "moratorium" on demands for an individual's Social Security number by Government agencies under circumstances where he has no choice but to comply.

* At the time Section 7 was enacted, Section 3511 of the Federal Reports Act (enacted in 1942) already forbade Federal agencies to penalize an individual for his failure to furnish information required by an agency, unless such a penalty was specifically prescribed by law. However, the relevance of this prohibition to agency use of the SSN does not seem to have been widely recognized.

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As to future legislative action, H.R. 1984, the omnibus privacy bill introduced by Congressman Koch and Congressman Goldwater into the 94th Congress would, for the first time, apply restrictions to private sector use of the SSN: Section 6 of the bill would make it unlawful for any organization to request or require an individual to disclose his SSN for the purpose of a business or commercial transaction unless requiring disclosure is authorized by Federal law. In addition, the bill would make it unlawful for an organization to refuse to enter into a business or commercial relationship with an individual wholly or partly because of his refusal to furnish his SSN, unless the organization is authorized to do so by Federal law. Finally, H.R. 1984 would make it illegal for any organization to develop or utilize a "universal identifier" common to any other personal information system without the express authorization of Congress.

An Approach to the SSN Issue

Section 5(a)(3)(A) of the Privacy Act of 1974 requires the Commission to utilize, to the maximum extent practicable, "findings, reports, studies, hearing transcripts, and recommendations of governmental, legislative and private bodies, institutions, organizations, and individuals which pertain to the problems under study by the Commission." This, however, does not preclude the Commission from ignoring previous studies and findings once it has taken account of them. On the SSN issue, the Commission could essentially make a fresh start, collecting information about such factors as public attitudes toward use of the SSN, the manner in which the number is used by private organizations, the extent to which the SSN is used as a record identifier, and the abuses that have resulted from use of the SSN to link records about individuals.

A more economical approach, however, would be to acknowledge some of the conclusions and recommendations of others and invite comment on them in public hearings. This would allow the Commission to test the extent to which the recommendations of others are appropriate and usable and also have the desirable effect of focusing testimony and comment on specific problems and proposals.

Still a third option is to examine the general concept of a standard universal identifier (such as a population number assigned at birth), and consider what types of safeguards would be required to assure that such a numbering system would not become a grave source of abuse. This approach, however, would demand a substantial investment in staff and consultant

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time before a successful hearing could be mounted.

If the Commission were to choose the more economical second alternative, the studies and legislation outlined in this paper could be used to draft a specific legislative proposal on which to invite comment. Such a proposal need not have as one of its elements a straight prohibition on use of the SSN by any organization, public or private. Rather, it could take Section 7 of the Privacy Act as its core provision and add such additional requirements as may be necessary to make Section 7 truly effective.

For example, if an individual is to be able to exercise fully his right to refuse to disclose his SSN, the organization making the request must not be able to obtain his number from another organization that already possesses it. In other words, to be truly effective, any SSN proposal must enjoin organizations from disclosing an individual's SSN except in response to a request for such disclosure that is required by Federal law or at the request, or with the consent, of the individual whose SSN is involved.

Of course, any proposal that the Commission might advance in this area should be put forward with the understanding that it cannot prevent record linkage effected by other means, and hence cannot solve the more general problem, from the individual's perspective, of information exchange. However, lest this caution be taken to suggest that spending any time on the SSN issue is wasteful, it is important to remember that at least a minority, and perhaps a majority, of Americans are apprehensive about the potential for abuse that may arise from widespread use of the number.

Advice from the Commissioners on how to proceed on this matter will be sought at the October 28-29 meeting.

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

GALE D. BERG , being duly sworn, deposes and
says that she is employed in the office of the Attorney
General of the State of New York, attorney for Appellant
herein. On the 21st day of November , 1977, he served
^{Two} ~~One~~ Appendix and Two Briefs
the annexed upon the following named person :

Mr. C. McEvily
Community Legal Assistance Corp.
73 Main Street
Hempstead, New York 11550

Attorney in the within entitled Appeal by depositing
a true and correct copy thereof, properly enclosed in a post-
paid wrapper, in a post-office box regularly maintained by the
Government of the United States at Two World Trade Center,
New York, New York 10047, directed to said Attorney at the
address within the State designated by yhim for that
purpose.

Sworn to before me this
21 day of November , 1977

Emanuel M. Kary
Assistant Attorney General
of the State of New York

Hla R. Stautt